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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Report of the Special Rapporteur on the right to food on her mission to Morocco

Note by the Secretariat

The Secretariat has the honour to transmit to the Human Rights Council the report of the Special Rapporteur on the right to food on her country visit to Morocco from 5 to 12 October 2015. In the report, the Special Rapporteur examines the general challenges facing Morocco in implementing measures to ensure the realization of the right to adequate food and nutrition. The Special Rapporteur highlights the particular difficulties encountered by the most vulnerable groups affected along with the challenges preventing them from their full enjoyment of the right to adequate food. The report recognizes the important steps already taken by the Government to realize the right to food, and highlights a number of recommendations for consideration by all stakeholders, in particular the development of a national framework law on the right to food.

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Report of the Special Rapporteur on the right to food on her mission to Morocco*. **, ***

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* The Special Rapporteur also visited Dakhla, Western Sahara, on 10 October 2015. As she is an independent mandate holder, her visit should not be interpreted as expressing any political view concerning the present or future status of the Non-Self-Governing Territory of Western Sahara. The territory is subject to the right to self-determination in conformity with the principles contained in General Assembly resolutions 1514 (XV) and 1541 (XV).

** The present report was submitted after the deadline in order to reflect the most recent developments.

*** Circulated in the language of submission and in French only.

I. Introduction

1. At the invitation of the Government of Morocco, the Special Rapporteur on the right to food, Hilal Elver, conducted a visit to the country from 5 to 12 October 2015. During the visit, she met with the Secretary-General and various representatives of the Inter-ministerial Delegation for Human Rights; the Ministry of Foreign Affairs and Cooperation; the Ministry of Agriculture and Maritime Fishing; the High Commission on Water, Forests and Combat against Desertification; the Ministry of Justice and Freedom; the Ministry of Economy and Finance; the Ministry of Industry, Commerce, Investment and Economy; the Ministry for Energy, Mines, Water and Environment; the Ministry of Health; the Ministry of Employment and Social Affairs; and the High Commission for Planning. She also had the honour of meeting with the Minister of Artisans, Social Economy and Solidarity.

2. Moreover, the Special Rapporteur met with the President of the Chamber of Representatives. She also met with the President of the Economic, Social and Environment Council; the President of the National Human Rights Council in Rabat, as well as Regional Human Rights Councils; and the Coordinator of the Mohammed V Foundation along with their respective staff members. The Special Rapporteur also convened a round-table discussion with representatives from civil society organizations, and met with representatives from trade unions and academics, as well as representatives from the United Nations country team, international organizations and development agencies. During the mission, she visited a number of Government-led projects in Agadir and Midelt.

3. The Special Rapporteur is very grateful to the Government for facilitating her visit and for its cooperation during her time in Morocco. She also appreciates the spirit of openness with which she was able to engage in dialogue with the authorities. She is very grateful to the Office of the United Nations Resident Coordinator for its invaluable support both before and during the visit, and offers her sincere gratitude to everyone who took the time to meet with her, particularly those who shared their personal experiences.

II. Overview of food and nutrition security

4. Morocco is a lower-middle-income country with relatively good macroeconomic stability, generally low inflation and moderately high growth rates.¹ The country's commitment to economic growth, combined with a sustained programme of wide-ranging reforms, assisted Morocco in avoiding the political and economic upheavals that beleaguered its neighbours during the Arab Spring.² By adopting a gradual approach to democratization, and introducing a new Constitution in 2011, the country's political landscape has remained comparatively stable, while the country has enjoyed sustained economic growth, averaging 4.5 per cent annually over the past 10 years (see E/C.12/MAR/4, para. 10). In line with the new Constitution, the Government is committed to fiscal stability and to achieving a budget deficit of no more than 3 per cent of gross domestic product (GDP) by 2017.³

¹ World Bank (2015). Available from <http://www.worldbank.org/en/country/morocco/overview>.

² Hafez Ghanem, *Agriculture and rural development for inclusive growth and food security in Morocco* (Washington, D.C., Brookings, 2015), available from <http://www.brookings.edu/research/papers/2015/02/agriculture-development-inclusive-growth-food-security-morocco-ghanem>.

³ World Bank (2015). Available from <http://www.worldbank.org/en/country/morocco/overview>.

5. Crucial economic and social reforms have contributed significantly to the commendable accomplishment of Morocco in eradicating extreme poverty and eliminating hunger.⁴ Recent official statistics indicate that as of 2014 the percentage of people living in situations of extreme poverty had been reduced to almost zero, while the percentage of people living in poverty stood at 0.3 per cent in urban areas, and 2.9 per cent in rural areas.⁵ Food poverty was also reduced from 4.6 per cent in 1985 to 0.1 per cent in 2014. According to the High Commission for Planning 2007, poverty map communities living in rural communities targeted by the National Initiative for Human Development⁶ experienced a 41 per cent reduction in poverty.

6. Despite the significant efforts that have been made, some 13.3 per cent of the population (6.3 million people) continue to live either in poverty or just above the poverty line, with those living in rural and remote areas faring worst (the poverty rate in rural areas remains more than three times greater than that in urban areas⁷). Tackling inequality and vulnerability also remains a considerable challenge, with inequality in incomes and access to services reflected in Morocco's Gini coefficient, which stands at 0.38 and is relatively high compared to other emerging economies. Major disparities in society are also evident in terms of household consumption, with a Government study noting that, in 2007, average annual expenditure by the wealthiest 10 per cent of residents in urban areas represented 18.6 times that of the 10 per cent of residents living in the least developed communities in rural areas (see E/C.12/MAR/4, para. 32). Unemployment remains high at around 9 per cent, disproportionately impacting young people and women. The rights of prisoners to access adequate food and nutrition was also highlighted as an issue of concern during the Special Rapporteur's visit, particularly in relation to the quantity and quality of food provided, along with the practice of preventing families from bringing food to their loved ones or in some cases destroying food that is offered.⁸

7. Morocco has also experienced a recent increase in adult obesity, particularly among women, with over one half of women either overweight or obese.⁹ Progress in improving community infrastructure, combined with unhealthy food habits and increase in fast food consumption, are the major contributors to the increase in overweight and chronic diseases. Rapid urbanization and the adoption of Western diets high in refined carbohydrates have also contributed significantly to this trend. Cultural norms representing an intentional desire to gain weight on the part of Moroccan women in the name of beauty are also a contributing factor. Although overweight and obesity are more widespread in urban areas, they also now exist in rural areas.

8. The Special Rapporteur recognizes the significant challenges facing Morocco in its endeavours to ensure food and nutrition security for everyone, including the continued threat from climate change. She commends the impressive progress made by the Government in leading the country to a new era of economic growth and reducing overall poverty; however, she urges the State to ensure that development is inclusive. Morocco has enormous potential for growth and everyone in society must be allowed the opportunity to reap the benefits. It is therefore within the spirit of cooperation that the Special Rapporteur

⁴ In June 2015, Morocco received recognition from the Food and Agriculture Organization of the United Nations (FAO) for reaching Millennium Development Goal 1 of cutting extreme poverty and hunger two years ahead of schedule; 72 countries around the world have so far achieved this target.

⁵ Based on a threshold of \$2 per day per person.

⁶ Established in 2006, the programme allocated \$6 billion to anti-poverty projects.

⁷ Ghanem, *Agriculture and rural development*.

⁸ National Human Rights Commission, *Crisis in Prisons: A Shared Responsibility* (2012).

⁹ Available from <http://siteresources.worldbank.org/NUTRITION/Resources/281846-1271963823772/Morocco.pdf>.

encourages Morocco to consider the recommendations outlined in this report as a means of ensuring that the right to adequate food and nutrition is enjoyed by everyone, giving particular priority to the most vulnerable in society.

III. Legal and policy framework

A. Legal framework

9. Morocco has demonstrated its commitment to the promotion and protection of economic and social rights by taking steps to ratify a number of important international human rights treaties and conventions, improving their implementation at the domestic level, and engaging with various United Nations human rights mechanisms, including the country's recent engagement with the United Nations Committee on Economic, Social and Cultural Rights (E/C.12/MAR/4). As a State party to the International Covenant on Economic, Social and Cultural Rights, Morocco has a duty to respect, protect and fulfil the right to food.¹⁰ It is also party to nine core international human rights treaties, including the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, and the Convention on the Rights of Persons with Disabilities, all of which contain provisions explicitly related to the right to adequate food.¹¹

10. In the wake of the popular uprisings that swept across North Africa in 2010, Morocco responded by adopting a new Constitution by referendum in July 2011. The Constitution recognizes the supremacy of international law over domestic legislation and contains an extensive catalogue of rights, duties, freedoms and fundamental guarantees that were not previously recognized in the country, and are aligned with the principles of various international human rights treaties to which Morocco is a State party. Article 20 of the Constitution mentions the right to life, from which the right to adequate food is implied. Meanwhile under article 31, the Constitution assures the right to work, health, education and an adequate standard of living. The Special Rapporteur commends the broad consultative process undertaken in advance of adopting the amended Constitution, with the participation of political parties, trade unions, and youth and civil society organizations. She notes, however, that the Constitution does not mention the word "food" or explicitly recognize the right to food.

11. The adoption of the Constitution also resulted in the statutory recognition of the Economic, Social and Environmental Council, which was established in February 2011; the National Council for Human Rights; the Office of the Ombudsman; and the Competition Council. In addition, the Inter-ministerial Delegation for Human Rights was created in 2011. A number of organic laws dealing with economic, social and cultural rights have also been adopted as a result of the Constitution, including those strengthening the rights of specific groups, developing a strategy for the Green Morocco Plan adopted in 2008, and drafting a National Charter for the Environment and Sustainable Development. A second stage of the National Initiative for Human Development was also launched, along with the implementation of a gender-sensitive budgeting system.

12. Morocco has also been proactive in developing legislation to combat the effects of climate change as a means of improving food security. Having ratified both the United

¹⁰ Art. 2(1) and art. 11(1).

¹¹ See in particular the Convention on the Elimination of All Forms of Discrimination against Women, arts. 1, 3, 12(2) and 14; the Convention on the Rights of the Child, arts. 24(2)(c) and (e) and 27(3); and the Convention on the Rights of Persons with Disabilities, arts. 25(f) and 28(1).

Nations Framework Convention on Climate Change and the Kyoto Protocol,¹² a National Charter for the Environment and Sustainable Development was established and adopted in 2012. A complementary Framework Law 99-12 was enacted in 2014 to support its operationalization. The National Charter was proposed as a measure for establishing a national policy for the protection of the environment and sustainable development, and has allowed Morocco to redouble its efforts in this regard. The Framework Law set out the rights and duties inherent to the environment and sustainable development, and explicitly mentions the fight against climate change and calls for strengthening capacities to promote adaptation to climate change. The Special Rapporteur commends Morocco's ambitious Intended Nationally Determined Contribution, which was presented in 2015 during the twenty-first Conference of the Parties of the United Nations Framework Convention on Climate Change (COP 21) in Paris (also known as the 2015 Paris Climate Conference). With regard to adaptation, Morocco has already made significant efforts. Over the period 2005–2010, Morocco devoted 64 per cent of all climate-related spending in the country to adaptation, which represents 9 per cent of overall investment expenditure. It was also one of the first developing countries to deliver a climate pledge, which seeks to cut emissions by 32 per cent by 2030 on current projections.¹³

B. Institutional and policy framework

13. The significant strides that have been made in achieving the Millennium Development Goals are largely due to the impact of the previously mentioned National Initiative for Human Development. The Initiative was launched in 2005 as part of Morocco's comprehensive approach for reaching national development goals, and aims to facilitate access to basic social services, promote activities that generate employment and income, and assist people with special needs. The four-year programme (2006–2010) included human development projects focusing on poverty reduction and rural development through capacity-building, technical assistance and support to microcredit associations.¹⁴ The Special Rapporteur visited a number of facilities supported by the Initiative, and was impressed by the variety of initiatives that have been implemented, particularly those empowering women through the development of women's agricultural cooperatives. However, she also noted that, while the Initiative is well structured and comprehensive, and has had a significant impact in reducing poverty, some structural disparities in implementation and gaps in necessary infrastructure are preventing full coverage. Further efforts to ensure that projects are disseminated to all regions, with particular attention being paid to those living in remote areas, and to vulnerable groups are recommended, while additional financial support would further benefit these projects.

14. In addition to the National Initiative for Human Development, the Government Plan for Equality was adopted in 2013 as a means of ensuring better legal protection for women, improving representation of women at the political and administrative level, and developing policies and sectoral programmes that contribute to gender equality at both the local and regional level. An integrated public policy for child protection was also introduced in 2015, which aims at implementing an integrated system for child protection. A Ministerial Commission for the protection of children was created in November 2014¹⁵ to develop these policies.

¹² In 1995 and 2002, respectively.

¹³ Available from <http://mitigationpartnership.net/morocco-intended-nationally-determined-contribution-under-unfccc>.

¹⁴ Available from <http://www.indh.gov.ma/index.php/en/presentation>.

¹⁵ Decree No. 2.14.668.

15. The Inter-Ministerial Delegation for Human Rights was set up in April 2011 to coordinate eight governmental bodies that work on human rights issues. The Delegation was created to foster a human rights dimension in public policies and to consolidate Morocco's interaction with international human rights mechanisms. The Delegation is also mandated to reinforce and build capacities of non-governmental organizations dealing with human rights.

16. In relation to the right to food, Morocco was the first country in the Eastern Mediterranean Region to develop a National Nutrition Strategy, for the period 2011–2019. Following its adoption, measures were taken to speed up its implementation, including the establishment of coordinating and monitoring bodies. According to indicators published by the Ministry of Health, urgent action was deemed to be necessary in response to the nutritional situation at the time (E/C.12/MAR/4).

17. A number of other policies and strategies have also been introduced in Morocco to achieve inclusive economic growth and reduce poverty in the country, such as the Morocco Green Plan (which will be discussed in more detail later in the report), and the Halieutis Plan. The Halieutis Plan was adopted in 2009 as a comprehensive strategy for fisheries management, with the specific goal of investing in and developing the sustainability of the sector. The Plan combines a broad objective of increasing production to more than 1.66 million tons by 2020, with a specific goal of ensuring that 95 per cent of the species are managed sustainably. The three main axes of the strategy are sustainability, performance (increased catch quality) and competitiveness (production reached 10.6 million dirhams in 2015). The development of sustainable aquaculture is also a major pillar of Halieutis.

C. Morocco Green Plan

18. In 2008, the Morocco Green Plan was adopted, which is essentially a strategy to drive and reform the agricultural sector, promote the integration of agriculture into international markets, and help agriculture achieve sustainable growth through two main pillars and a variety of intersecting programmes. The first pillar relates to high-yield, intensive and market-related agriculture. The second relates to bolstering the position of small farmers through the proper promotion of crop yield growth and encouraging a shift toward crops that are better adapted to environmental conditions and market demand. The intersecting programmes involve water conservation, land ownership and the mobilization of investments. In total, the Green Morocco Plan is comprised of 1,500 projects requiring more than \$10 billion to implement by 2020.

19. The Morocco Green Plan has been lauded by the international community for the significant influence it had in ensuring that the country achieved Millennium Development Goal 1 two years ahead of schedule. Indeed, it is responsible for significantly boosting the agricultural sector by promoting the integration of agriculture into international markets and assisting the sector in achieving growth. In 2015, 115 million quintals of cereal were produced. The Plan has had a positive outcome in terms of the potential benefits from cooperative production, processing and marketing of local products. However, while one of the principal aims of the Plan is to achieve food self-sufficiency, the Special Rapporteur recommends that, going forward, more focus should be placed on attaining food security. The lack of public coordination services, and environmental constraints, along with some gaps in ensuring effective consultation with local populations (more specifically, those living in hard-to-reach areas), have also hindered progress in some regions. Efforts should be made to ensure that the Plan benefits all, particularly those being targeted by Pillar II, including smallholder and family farmers. Infrastructure should be improved in remote areas to ensure easy access to markets and attract investment to rural areas. Increasing the number of projects that target women and young farmers should be encouraged. Existing

monitoring and evaluation processes should also be strengthened to ensure transparency, non-discrimination and participation by all relevant parties.

IV. Challenges for Morocco in attaining food security

A. Vulnerability of the agriculture sector

20. Agriculture remains the backbone of Morocco's economy, accounting for 15 per cent of the country's GDP and employing 46 per cent of the total national labour force. With 43 per cent of the population living in rural areas and heavily dependent on agriculture for their livelihood,¹⁶ agricultural development is a key determinant in ensuring the welfare of rural communities and the overall stability of the country. However, some of the challenges outlined below continue to hinder agriculture and rural development in the country.

21. Firstly, agriculture in Morocco has a dual aspect, in that the modern industrial sector, which is essentially responsible for producing food for export, coexists alongside a more traditional subsistence-oriented agriculture, dedicated principally to producing food for local markets and family consumption. Small farms not exceeding five hectares account for the vast majority of the country's overall farmland, with more than 70 per cent of farmers tilling these smallholdings. Microfarms and other landless rural households account for 40 per cent of the rural population and own only 5 per cent of irrigated land and 8 per cent of cultivated land.¹⁷ The majority of fertile land is controlled by large farms, which earn approximately nine times more than the average family farm.¹⁸ A lack of infrastructure – combined with undetermined land ownership and insufficient access to credit, technical and marketing support – often makes it difficult for small farmers to increase their income. Small farmers are also unable to benefit from Government programmes unless their land is registered, which often results in large farms reaping the benefits of such programmes.¹⁹

22. Secondly, the agricultural sector remains susceptible to the pressures of trade liberalization,²⁰ and small farmers are particularly vulnerable to instability in global markets and the impact of local markets being flooded with produce when large farmers fail to sell it overseas.²¹ A high dependence on imports also leaves the agricultural sector exposed, particularly in periods of high volatility in world food prices. Morocco consumes three times the amount of imported cereal than the world average and spends approximately 20 per cent of its export revenue on importing food.²² Although Morocco is essentially self-sufficient in food production, its policies in relation to imports and emergency supplies should be regularly reviewed to ensure that food security is retained.²³

¹⁶ The agriculture sector employs 75 per cent of the rural workforce.

¹⁷ Patricia Biermayr-Jenzano and Shinan Kassam, *Understanding gender and poverty dimensions of high value agricultural commodity chains in the Souss-Masaa-Draa region of southwestern Morocco*, January 2014, p. 8.

¹⁸ Ghanem, *Agriculture and rural development*.

¹⁹ Gender and Poverty, SMD, January 2014, Biermayr, Kassam and others, p. 8.

²⁰ Available from http://ec.europa.eu/enp/pdf/pdf/country/enpi_csp_morocco_en.pdf.

²¹ Available from <http://sustainablefoodtrust.org/articles/moroccan-agriculture-facing-challenges-divided-system/>.

²² The agriculture sector employs 75 per cent of the rural workforce (see footnote 20 above).

²³ Ibid.

23. The fisheries sector accounts for 3 per cent of GDP and employs around 500,000 people.²⁴ According to Ministry of Agriculture and Fisheries statistics released in 2008, the Morocco fishing productivity of 1,017,000 tons was 15 per cent more than the previous year. The Moroccan fishing industry is also largely recognized as the largest producer in Africa, with around 3,000 offshore fishing boats and thousands of small fishing vessels.²⁵

24. While the Special Rapporteur recognizes the efforts that have been made by the Government to improve the situation of artisanal fishermen at the regional level through the introduction of the National Coastal Management Plan, she received reports that not all artisanal fisher folk benefit from the necessary infrastructure. Indeed, while the large ports are well equipped and monitored, some among the artisanal fishing community struggle due to a lack of basic facilities. Competition from much larger coastal vessels, such as trawlers, means that, in some cases, even when small-scale fishermen have access to basic infrastructure, their production may remain marginal.²⁶ The equipment they use may be basic and often not sufficient to protect them in rough seas. The Special Rapporteur commends the implementation of training programmes for young fisher folk as well as literacy programmes aimed at those active in the fishing industry, and she encourages the Government to ensure that such programmes are rolled out across all regions as a means of assisting scale fisher folk in developing their trade. Efforts should also be made to ensure that existing monitoring mechanisms are strengthened to ensure that annual fishing permits are distributed in a transparent manner in accordance with international fishing regulations.

B. Climate change

25. Morocco has four major geographic regions, including the coastal planes; the hills to the North that are parallel to the Mediterranean Sea; the hills to the centre that include the Middle Atlas, High Atlas and Anti-Atlas; and the desert hills. With such a diverse geographic terrain, Morocco is extremely vulnerable to the impacts of climate change. Water and environmental resources – which are already under extensive pressure from population growth, industrialization, tourism and agricultural extension – are at particular risk. Predictions indicate that, over the coming years, the country will gradually display signs of increasing aridity due to reduced rainfall and higher temperatures. While it is suggested that it will remain relatively stable in the short term, increased aridity will have negative effects on overall agricultural yields from 2030 onwards.²⁷

26. Soil degradation in dry areas will be exacerbated by climate change, while prolonged drought has already resulted in negative ecological consequences. Increased population pressure over limited natural resources – along with overexploitation of forestry assets, elimination of natural vegetation from slope lands, overgrazing, and cultivation of exposed land in arid and desert regions – and poor land management have all contributed to soil erosion. It is estimated that about 35 per cent of the Moroccan rural population lives in areas of serious degradation. This is of particular concern for those living in poverty whose livelihoods depend on forest resources, as extra pressure will be placed on ecosystems when croplands are no longer able to sustain them. Recognizing the challenges posed by soil degradation, the Special Rapporteur commends the efforts being made to fight erosion and

²⁴ See "Moroccan economy: 4.8% growth in the 3rd quarter of 2011", available from www.invest.gov.ma/?Id=39&lang=en&RefCat=5&Ref=198&nb_aff=10.

²⁵ Available from http://eeas.europa.eu/enp/pdf/pdf/country/enpi_csp_morocco_en.pdf.

²⁶ Available from <https://assets.mcc.gov/press/pub-2013001132901-kin-volume-two-number-one-morocco.pdf>.

²⁷ World Bank, *Morocco study on the impact of climate change on the agricultural sector*, available from http://www.fao.org/nr/climpag/pub/FAO_WorldBank_Study_CC_Morocco_2008.pdf.

protect natural resources through the National Plan for Watershed Management, as well as investments in reforestation, and she encourages the Government to ensure that these projects are rolled out across all regions.

27. Water resources are under more pressure due to a combination of population growth, economic development and a strong decline in precipitation. As a result, water availability has dropped from 3,500 m³ per person per year in 1960 to 1,000 m³ in 2000, with predictions estimating that it will further fall to 490 m³ in 2020, below the level indicated by the United Nations as "absolute water scarcity".²⁸ With agriculture consuming more than 83 per cent of harvested water, scarcity and irregularity in water sources are major hindrances to its development. Any shortage or excess rainfall therefore instantly impacts the overall economy. Given the country's shortage in natural resources, particularly arable land and water, care must be taken to ensure that the impact of intensive agricultural production, combined with large-scale irrigation schemes, industrialization and urbanization, are efficiently managed in order to protect and enable equitable distribution of water sources.

28. Morocco's coastline is also becoming increasingly vulnerable to the impacts of climate change. With approximately 3,500 km of shoreline, rising sea levels, storm surges and coastal flooding pose a significant threat to agriculture, fishing, water supplies, tourism and the country's unique ecosystems. More than 9.5 million people occupy the coastal cities of Morocco, and this number is steadily growing. The rural north-east coast is at particular risk, with families living in situations of poverty and dependant for a living on fishing, farming and livestock raising already experiencing the impacts of climate change and reliant on overseas remittances for survival.²⁹ While the Government is increasingly aware of the vulnerability of its coastline to climate change, this has not translated into a balanced and coordinated policy response aimed at reducing coastal vulnerability,³⁰ and it is recommended that an integrated strategy for mitigation and adaptation be adopted to address this.

29. Desertification and increasing potential for drought as a result of climate change will have a considerable impact on agriculture over the coming years given Morocco's situation in a fragile ecosystem. The adaption policies outlined in the Morocco Green Plan are important and due care should be taken to ensure that large-scale farming and intensive agriculture provided for in Pillar I do not drain resources such as fresh water and lead to land degradation. The Special Rapporteur suggests that agroecology be injected into future projects as a means of protecting biodiversity and environmental resources, and maintaining social equality and climate-friendly agriculture. Intensive use of fertilizers should also be avoided. Overall efforts should be made to ensure that a balance is maintained in implementing projects through Pillar I and Pillar II.

30. In addition to the Morocco Green Plan, Morocco has introduced a number of other important initiatives to fight against the adverse impact of climate change on agriculture. The Government's National Action Plan, which focuses on promoting practical tools and disseminating information on combating desertification, have made some progress in

²⁸ See "Country in Focus: Morocco – Facing scarcity", available from <https://www.globalwaterjobs.com/News/countryinfocusmorocco.html>.

²⁹ Department for International Development, *Adaptation is ... Protecting coastal communities in northern Morocco*, available from <http://www.idrc.ca/EN/Documents/adaptation-is-protecting-coastal-communities-morocco.pdf>.

³⁰ Samira Idlilalene and Nora Van Cauwenbergh, "Improving legal grounds to reduce vulnerability to coastal flooding in Morocco – A plea for an integrated approach to adaptation and mitigation", *Ocean & Coastal Management*, vol. 120 (February 2016), pp. 189–197.

rehabilitating natural and oasis ecosystems, as well as implementing water resource harvesting and the integrated management of natural resources. The Climatic Disaster Insurance Programme, started by the Ministry of Agriculture in 1996 to tackle drought, is also aimed at protecting small-scale farmers from climatic risks.³¹

31. Morocco continues to demonstrate its political willingness and responsibility to fight climate change, and the Special Rapporteur commends the important role it has played in international climate change diplomacy. In November 2016, Morocco will host the twenty-second Conference of the Parties of the United Nations Framework Convention on Climate Change (COP 22). Having submitted its intended Nationally Determined Contribution, Morocco has pledged to reduce greenhouse gas emissions by 13 per cent by 2030, proposing to go much further if financial support is provided. Based on these targets, Morocco is considered the fourth most ambitious country in reducing its greenhouse gas emissions at the global level.³²

C. Rural poverty

32. Poverty in Morocco is essentially concentrated in rural and remote areas, where the poverty incidence is three times higher than in urban areas.³³ Regional disparities are significant in terms of poverty distribution, with difficult geographic terrain hindering the development of infrastructure and isolating communities in times of extreme weather. Mountainous areas and steppes – where soil is susceptible to erosion – are particularly vulnerable, and are among the poorest areas. Household income in rural areas is severely impacted by climatic conditions, particularly during periods of drought, with traditional small-scale farmers and shepherds particularly affected.

33. As mentioned previously, the majority of the rural population is largely dependent on agriculture as a source of income, with many employed in informal agricultural work. Insufficient access to basic social services and infrastructure, particularly in the mountainous zones and semi-arid plains and uplands, as well as a lack of access to financial services, impedes development. Also contributing to poverty is a lack of diversification of agricultural activities offering alternative employment, particularly in times of drought. Another factor is the weakness of community organizations, which lack the necessary training and support to take charge of their own development.³⁴

34. The goal of Morocco's long-term 2020 strategy for rural development is to correct regional and local imbalances, and develop and optimize natural resources. Its objectives are to increase agricultural production and opportunities for agricultural employment and income, create and diversify employment in off-farm and non-farm activities, halt environmental degradation, improve education and professional training for rural women and men, improve services related to the quality of life and well-being, and correct regional and local imbalances in infrastructure and regional development. The approach gives preference to grass-roots initiatives and to participation and accountability of rural communities and local partnerships.

³¹ Mohammad Badawi, "Green Morocco Plan focuses on sustainable agriculture", 12 October 2014, available from <http://www.al-monitor.com/pulse/business/2014/10/httpahayatcomarticles4906517----.html>.

³² Climate Action Tracker, available at: <http://climateactiontracker.org/countries/morocco>.

³³ Ghanem, *Agriculture and rural development*.

³⁴ International Fund for Agricultural Development, 2015.

V. Groups living in situations of particular vulnerability

35. The Special Rapporteur identified the following groups as often living in situations of particular vulnerability and requiring specific initiatives to ensure that they are equally able to access adequate food and nutrition.

A. Women

36. As a party to the Convention on the Elimination of All Forms of Discrimination against Women, Morocco has committed itself to the promotion of women's rights. Recognizing that equality is at the centre of any development process, the Government of Morocco has dedicated itself to improving the status of women over recent years. As mentioned previously, in 2006 a national strategy for gender equity and equality was adopted by integrating a gender-based approach into development policies and programmes. One of the main recommendations issued concerned the elaboration of a plan for equality and eventual parity for the period 2011–2015. The Plan was drawn up in 2010 and adopted by the Government Council in March 2011. In 2014, an Inter-Ministerial Commission was created to monitor the implementation of the Governmental Plan for Equality. According to the 2014 edition of the Social Institutions and Gender Index,³⁵ Morocco has low levels of discrimination against women in social institutions.

37. Article 19 of the 2011 Constitution establishes that men and women should enjoy equal rights and freedoms in all civil, political, economic, social, cultural and environmental matters. The *Habous Code* (concerning land property) prohibits religious organizations from excluding women in favour of men. It also forbids the transfer of *habous/wakf* status to property in favour of boys and the exclusion of girls (see E/C.12/MAR/4, para. 45). The introduction of gender-sensitive budgeting is also a positive step which constitutes an operational tool that can be used to develop assessments of public policies from a gender perspective.

38. Despite the considerable efforts that have been made in improving gender equality and the major reforms that have taken place, economic and social development indicators demonstrate that women are lagging behind men in practically all areas. A deeply embedded patriarchal socio-cultural order, along with delays in implementation at the institutional level, has hindered the transition from strategy and legal frameworks into significant and tangible progress towards gender equality.³⁶ Women in rural communities are particularly disadvantaged, especially young women without schooling. The incidence of poverty is also high in households headed by women.³⁷

39. A strong sense of traditionalism further compounds the situation, as men are the principal keepers of land and other basic means of production. While Moroccan women have the same ownership rights to land as men, those rights are often limited by tradition. Despite a favourable legal framework, women's access to land is often restricted, particularly in rural areas, and few women own land. Even in cases where they do own land, male relatives often manage it. While women are legally entitled to access non-land assets and to manage such property as they wish, under Morocco's standard matrimonial system, spouses retain their own property. Women own only 7 per cent of the land in Morocco.³⁸ Fewer opportunities for formal employment, lower incomes and fewer opportunities to

³⁵ Available from www.genderindex.org/country/morocco.

³⁶ Available from http://ec.europa.eu/enp/pdf/pdf/country/enpi_csp_morocco_en.pdf, p. 16.

³⁷ Ibid.

³⁸ Available from <http://spring-forward.unwomen.org/en/countries/morocco>.

diversify their income sources leave women vulnerable and unable to escape their circumstances. A high level of female illiteracy combined with a lack of awareness about reforms further prevents progress.³⁹

40. Climate change also has a disproportionate impact on women in Morocco. With land degradation leading to food insecurity, women are often at the front line in fighting desertification. While men focus on market-oriented activities such as crop or livestock production, and thus obtain credit and other facilities, women tend to household and farm chores that include cultivating the land, growing food crops, collecting firewood and fetching water. However, women's traditional roles and knowledge as food producers and managing natural resources may also be challenged by the effects of desertification. Erosion and diminished soil fertility result in decreased crop and livestock productivity and lessening sources of income. With men in search of employment and alternative income, women may become de facto heads of households. However, without ownership of assets such as land, women cannot access credit and extension and technological services. This, in turn, affects their ability to sustain their families and manage other natural resources that lay the foundation of sustainable production systems. They may also face traditional disadvantages in accessing community services and decision-making power, with access to critical resources often mediated by relationships with men. They may also be excluded from participation in land conservation and development projects, as well as from policy-making processes generally.

41. The Special Rapporteur commends the efforts being made by the Government to foster a solidarity-based economy and the creation of women's cooperatives through Pillar II of the Morocco Green Plan. Approximately 15,000 women's cooperatives, involving some 30,000 women, have been created in recent years, two thirds of them in rural areas (see E/C.12/MAR/4, para. 39). Women, who account for 43 per cent of the beneficiaries, constitute the social group whose projects have proved most successful and have helped to increase households' financial resources (ibid.). The Special Rapporteur visited some of these cooperatives and was impressed by the level of dedication invested by the women involved, along with the distinct sense of empowerment they displayed.

B. Children

42. By ratifying the Convention on the Rights of the Child, Morocco has committed itself to itself to guaranteeing the rights of all children in the country. Indeed, since then, important steps have been taken to adopt legislative and other measures to provide protection for children, some of which were mentioned previously.

43. Children in rural areas and poor families are most affected by the lack of access to adequate food and nutrition. According to a family health survey of the population conducted in 2011, 14.9 per cent of children under 5 years of age suffered from stunted growth, which is generally due to chronic malnutrition during pregnancy and infancy. Stunting affected 28.3 per cent of children living in poverty, compared to 6.7 per cent of children living in wealthier families.⁴⁰ By its own admission, the Government recognizes that the fact that the stunted growth rate is higher than the poverty rate for the same period (14 per cent) indicates that lack of nutritional information at the household level is a source of serious concern (see E/C.12/MAR/4, para. 155). In addition, 9 per cent of children under 5 years of age suffer from severe malnutrition; this category includes 11 per cent of children

³⁹ Oriana Wuerth, "The Reform of the Moudawana: The Role of Women's Civil Society Organizations in Changing the Personal Status Code of Morocco", *Hawwa*, vol. 3, No. 3 (2005).

⁴⁰ Ministry of Health, 2004.

living in rural areas and 13 per cent of those living in households belonging to the poorest quintile. There are four times as many underweight children in the poorest quintile than in the richest quintile. Fourteen per cent of children under 5 years of age are overweight (see *ibid.*).

44. A number of strategies and programmes implemented by the Ministry of Health and its partners to promote a healthy diet and to address the problem of insufficient micronutrients have led to an improvement in the population's nutritional status. The Ministry of Health and its partners are currently developing a national integrated global communication strategy in support of life cycle nutrition (see *ibid.*, para. 157). However, the Special Rapporteur is concerned at reports she received in relation to feeding practices for infants and young children. While the 2011 national survey shows that 96.6 per cent of children were breastfed, it also notes that among children under 5 years who had never been breastfed, less than one third (30.3 per cent) had been initiated to breastfeeding within one hour after delivery.⁴¹ While the exclusive breastfeeding rate until the age of 6 months is falling, bottle feeding is becoming common; complementary feeding, even though relatively diversified, is still introduced too early or too late, despite the existence of a national strategy for breastfeeding.

45. The Special Rapporteur commends the significant progress made in providing access to education for children in Morocco and welcomes its commitment to continuing its efforts to ensuring education for all children in the country. Despite progress made, however, she reiterates the concerns highlighted by the Committee on Economic, Social and Cultural Rights that disparities between school enrolment rates for girls and boys still exist (see E/C.12/MAR/CO/4, para. 11). Many children (particularly girls in rural areas) do not attend school and, if they do, the majority drop out after elementary school. This becomes clear from looking at literacy rates, which equal only 10 per cent for females in rural areas. The rate is 39 per cent among women in general and 65 per cent for men, which shows the differences in gender as well.⁴² The State must ensure that these barriers are removed and that girls receive the same opportunities as boys for the future. The quality of education available is also an issue of concern, particularly in the rural areas.

46. In rural areas, most young illiterates have never attended school, either because they live in remote villages too far away from a school or because their families are poor and cannot afford to educate them. The impact of culture and traditions on the decisions regarding schooling are marginal. When the cost of sending a child to school is too high, and its future return is uncertain, poor parents are left with no choice but to employ their children doing tasks that can have an immediate impact on their well-being. The role of the Government is critical in such a situation to change incentives for poor people in favour of education. High dropout rates are another problem that undermines human capital development in Morocco and has a potential impact on the poverty rate. The net enrolment rate in secondary schools does not exceed 44 per cent at the national level.⁴³

⁴¹ Available from www.sante.gov.ma/Publications/Etudes_enquete/Documents/Indicateurs%20regionaux_ENPSF-2011.pdf, p. 192.

⁴² Economic Policy Research Institute, *Country profile: Morocco*, available from <http://epri.org.za/wp-content/uploads/2011/03/33-Morocco.pdf>.

⁴³ *Ibid.*, p. 11.

C. Unemployed youth

47. Morocco has ratified the International Labour Organization Employment Policy Convention, which provides the overarching normative policy framework on employment policy development and implementation, and calls on member States "to declare and pursue, as a major goal, an active policy designed to promote full, productive and freely chosen employment".⁴⁴ Economic development and creating opportunities for employment figure high in the National Human Development Initiative.

48. Unemployment, informal employment and underemployment are sources of concern. In addition to the fact that this is a social issue which threatens human dignity, citizens' attitudes to their country and its institutions, and the protection of human rights, this situation intensifies social marginalization, which affects women in particular, and is a serious obstacle to economic development and to the general improvement of living and labour conditions.⁴⁵ The unemployment rate in Morocco averaged 10.6 per cent from 1999 until 2014, reaching an all-time high of 15.1 per cent in the third quarter of 1999 and a record low of 7.8 per cent in the second quarter of 2006.⁴⁶ Although young people in Morocco make up 30 per cent of the population, and one tenth of the region's total youth population, their levels of exclusion are high; a recent World Bank survey revealed that 49 per cent of Moroccan youths are neither in school nor in the workforce.⁴⁷ With a view to promoting employment, the Government has undertaken, in coordination with socioeconomic partners, to reduce the unemployment rate by supporting economic growth and investment, developing vocational training and skills, and implementing a proactive employment promotion policy (see E/C.12/MAR/4, para. 58). Action in support of young people is planned on behalf of the long-term unemployed (Taahir), to promote the integration of the informal economy (Istiaabe), and to support social economy sectors⁴⁸ and income-generating activities.

49. Among the young, ages 15-24, more than 20 per cent were illiterate at the end of 2009, 28 per cent among females and 35 per cent in rural areas. The reasons behind the persistence of high illiteracy rates in Morocco differ between urban and rural areas. In the cities, one quarter of young illiterates attended school for a short period of time; they left because they failed, dropped out or were expelled by the school. The rest never attended school due to the poverty of their families, which pushed them prematurely into the labour market. The absence of adequate schools and facilities for disabled children is another reason that concerns 1 of 10 urban illiterate children. In rural areas, most young illiterates never attended school, either because they lived in remote villages too far away from a school or their families were poor and could not afford to educate them. High dropout rates are another problem undermining human capital development in Morocco with potential impacts on poverty. A National Employment Strategy for Youth had been adopted and

⁴⁴ ILO, C122 – Employment Policy Convention, 1964 (No. 122), available from www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_INSTRUMENT_ID:3122 67.

⁴⁵ Available from http://ec.europa.eu/enp/pdf/pdf/country/enpi_csp_morocco_en.pdf, p. 15.

⁴⁶ Available from www.tradingeconomics.com/morocco/unemployment-rate.

⁴⁷ Available from www.worldbank.org/en/news/feature/2012/05/14/challenge-of-youth-inclusion-in-morocco.

⁴⁸ The MOURAFAKA programme, which supports new cooperatives in the context of social economy development projects, has been allocated a five-year budget of 85 million dirhams. It will eventually benefit 2,000 cooperatives and will promote the creation of 40,000 jobs for the self-employed. Regional social economy development plans based on contracts concluded with the regions are currently being implemented in all regions with a view to encourage the creation of income-generating activities in the context of the social economy.

many measures were being undertaken in that regard, including the increase of employment agencies to promote job creation throughout the country.⁴⁰ The Special Rapporteur is concerned that, without opportunities for gainful employment, particularly in rural areas, young people risk being trapped in a cycle of poverty, thus impacting on their overall well-being, including their ability to access adequate and nutritious food.

D. Persons with disabilities

50. Since 2007, Morocco has been party to the Convention on the Rights of Persons with Disabilities. While the Special Rapporteur welcomes the efforts being made by the State to address the rights of persons with disabilities, including through the National Plan of Action for Health and Disability (2015-2021), she is concerned that insufficient measures have been taken to ensure that persons with disabilities have access, on an equal basis with others, to all facilities and services open to or provided to the public, both in urban and in rural areas (Convention on the Rights of Persons with Disabilities, art. 9). Additional measures must be taken to ensure that persons with disabilities are able to live independently and participate fully in all aspects of society, including by ensuring equal access to appropriate and affordable public services, and guaranteeing an adequate standard of living, including equal access to adequate food and nutrition, and to effective social protection, including poverty reduction in line with article 28 of the Convention on the Rights of Persons with Disabilities.

51. The Special Rapporteur is particularly concerned about the obstacles faced by children with disabilities in enjoying their right to adequate food and nutrition. She reiterates the recommendation highlighted by the United Nations Committee on Economic and Social Rights, urging that the adoption of the Draft Law 97.13 on the protection and advancement of persons with disabilities (Draft Framework Law) be expedited as a matter of priority (E/C.12/MAR/CO/4).

VI. Developing a national right to food framework law

52. The Special Rapporteur recognizes the significant progress Morocco has made in reducing poverty through the various reforms that have been implemented over recent years, along with the numerous well-formulated and well-intended policies and strategies to realize the right to adequate food. In order to ensure that momentum continues, the development of a more concrete framework is paramount to ensure that the plethora of policies, strategies and programmes are integrated. The Special Rapporteur recommends that this could be achieved through an overarching legal framework on the right to food.

53. Based on the Right to Food Guidelines, and following positive examples from other countries, the framework law could harmonize the existing coordination mechanisms designed to involve relevant ministries and other stakeholders as well as the efficiency of policies and programmes designed to respect, protect and fulfil the right to adequate food. Local authorities and civil society organizations should play a key role in the implementation of such a framework law and the right to adequate food.

54. As noted by the Special Rapporteur's predecessor, a framework law presents the following benefits:

⁴⁰ Available from www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16551&LangID=E.

(a) Institutionalization of a coherent and integrated approach, through the creation of an independent council formed by relevant Government ministries and institutions and members of civil society, associations of food producers and the private sector, which will provide advice to the Government in matters related to food and nutrition security;

(b) Grounding of national policies and programmes in a society-wide consensus, increasing their survival in the face of changes in Governments;

(c) Predictability and ring-fencing of resources for food and nutrition programmes, possibly through the establishment of a national fund;

(d) Strengthened accountability and institutional oversight of food and nutrition security programmes, including on the way information is collected and programmes assessed, increasing transparency and safeguards against the use of political criteria in the targeting of programmes (A/68/288).

55. The Special Rapporteur was encouraged by the support expressed by both Government representatives and civil society for such a framework, and commends the steps that have already been taken in this regard.

VII. Dakhla, Western Sahara

56. On 10 October 2015, the Special Rapporteur visited Dakhla in Western Sahara. During her time there, she visited several agricultural and fishing projects, as well as a women's cooperative.

57. Boasting some of the richest fishing grounds in the world, the economy relies heavily on fishing and employs some two thirds of the workforce. During her visit, the Special Rapporteur visited the impressive port of Dakhla, where she witnessed abundant commercial and large-scale fishing projects for both national consumption (the principal objective of the Hout Bladi⁵⁰ project) and for export. While it is evident that considerable investment and resources are being poured into the development of the fishing sector, there is concern that not everyone working in the industry is reaping the benefits. Indeed, the Special Rapporteur learned that small-scale fisher folk are among the poorest in Western Sahara. While there have been efforts to integrate the local population by offering supplementary licences, the expert learned that Sahrawi people who are involved in the fishing industry struggle to find employment in the ports in order to sustain their livelihood.

58. Vulnerability to climate change, which is having a negative environmental and social impact on coastal communities, poses a considerable challenge to small-scale fishers. As a result, many fisher folk are forced to venture beyond the boundary from the shore in order to seek their daily catch.

59. The exploitation of fisheries has led to several fisheries agreements, notably between Morocco and the European Union, since 2005.⁵¹ In late 2011, the agreement was terminated following a vote against its renewal by the European Parliament, due to concerns citing a failure to fund the development of local fisheries and other shortcomings in terms of

⁵⁰ Promotional campaign in favour of the consumption of seafood products and designed to inform and sensitize the public on the benefits of marine products for human health.

⁵¹ Robert Kennedy Foundation submission to the Committee on Economic, Social and Cultural Rights, February 2015.

ecological sustainability.⁵² The agreement has since been reinstated as of 2014, with European Union lawmakers approving a fisheries agreement with Morocco. The Special Rapporteur notes that any future agreement should be for the benefit of the local population as mentioned in the United Nations Legal Opinion of 2002.⁵³

60. While significant efforts are being made to develop infrastructure in Dakhla and many are benefiting from agricultural projects as well as the exploitation of fisheries, economic growth is not benefiting all. The unemployment rate in Western Sahara stands at 15 per cent, with young people and women faring worst. Women are faced with additional difficulties in accessing employment.⁵⁴ The Special Rapporteur is concerned about reports she received highlighting the difficulties faced by the local population in accessing education, especially at the university level. Without access to education, employment opportunities are limited, and the likelihood of falling into poverty and food insecurity is significantly increased. More must be done to ensure that economic growth benefits the local population, and the Special Rapporteur supports the recommendation made by the Committee on Economic, Social and Cultural Rights, which suggests that a human rights-based poverty reduction strategy be adopted that specifically targets the needs of disadvantaged and marginalized individuals and groups, with sufficient financial and other resources allocated to ensure implementation, and ensures that these resources are fairly distributed among those affected by poverty ().

VIII. Conclusions and recommendations

61. In recent years, Morocco has embarked on a proactive process of modernization and democratization, and the country has made impressive strides in reducing poverty, through the introduction of crucial economic and social reforms. The adoption of a wide range of policies and programmes to ensure the effective enjoyment of the right to food, as part of the right to an adequate standard of living, should be commended. However, as evidenced in this report, considerable challenges remain, particularly in regard to tackling inequality and vulnerability, along with increasing disparities in income between regions, as well as between urban and rural areas. Although the emergence of a free market economy has assisted with the impressive growth experienced by the country in recent years, this growth has not benefited all. While some parts of the country are being transformed, poverty remains particularly high in rural and remote areas as the income gap widens. The disproportionate impact of unemployment on young people and women also needs to be addressed, as does the lack of implementation of legislation promoting right to food policies. As one of the most vulnerable countries in the world to the adverse effects of climate change, Morocco also faces a significant challenge in ensuring that its food sources are protected.

62. The Special Rapporteur commends the Government's Morocco Green Plan, which has enormous potential for transforming the agricultural sector into a stable source of growth, competitiveness and broad-based economic development. However, more work is necessary to accomplish the plan and to ensure that everyone benefits,

⁵² FIAN International, *Right to Food and Nutrition Watch 2013*, p. 59, available from www.fian.org/fileadmin/media/publications/Watch_2013_eng_WEB_final.pdf.

⁵³ Letter dated 29 January 2002 from the Under-Secretary-General for Legal Affairs, the Legal Counsel, addressed to the President of the Security Council, available from http://www.un.org/en/ga/search/view_doc.asp?symbol=S/2002/161.

⁵⁴ Economic, Social and Environmental Council, 2013.

particularly smallholder farmers in rural and remote areas. Steps should therefore be taken to ensure that poor households producing high-valued local products receive fair market value and are effectively consulted in decisions that affect their livelihoods. Large-scale farming operatives targeted through Pillar I of the Plan should avoid resource depletion as a result of intensive agricultural practices. If this balance is struck between the two Pillars, the Special Rapporteur believes that the Plan could enhance its role as a determining role in improving food security, and inspire other countries in the region as a model of good practice.

63. In order to ensure a future where everyone will benefit from Morocco's economic growth, action must be taken to more effectively implement food security policies. In the long term, higher growth rates need to be achieved, which will lead to sustainable job creation while proving to be more inclusive. The quality and governance of public services, including for youths and women, must be strengthened, while the development model needs to be environmentally sustainable. Civil society will play an essential role in fortifying Morocco's commitment to guaranteeing respect for human rights and fundamental freedoms in the future, and should be encouraged to incorporate economic, social and cultural rights in its manifesto, particularly the right to food.

64. The Special Rapporteur offers the following specific recommendations to the Government.

Legal and institutional framework

65. Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

66. Devise and adopt a national right to food framework law based on time-bound benchmarks and effective implementation plans for each region. The framework should also include the necessary budgetary and fiscal measures to ensure sustainability in the long term. Authorities and agencies responsible for implementation should be identified and appropriate monitoring and accountability mechanisms established. The full and active participation of all actors concerned should be ensured, including the most vulnerable to hunger and malnutrition.

67. Ensure proper implementation of existing laws by strengthening monitoring and accountability mechanisms; ensure that laws currently under revision are in line with international human rights standards.

68. Ensure that, going forward, adequate resources are provided to implement the poverty reduction measures outlined in the National Initiative for Human Development, with particular focus on reviewing the structural disparities in implementation, and targeting the needs of disadvantaged and marginalized individuals and groups, particularly those living in remote areas.

69. Promote and encourage independent civil society as a means of fortifying Morocco's commitment to guaranteeing respect for human rights and fundamental freedoms in the future, and encourage the incorporation of economic, social and cultural rights in its manifesto, particularly the right to food.

Morocco Green Plan

70. Strengthen monitoring and evaluation mechanisms to ensure that agricultural intensification projects launched through Pillar I of the Plan are environmentally sustainable and avoid resource depletion.

Agriculture

71. Develop programmes to strengthen community organizations, through necessary training and support to enable them to take charge of their own development and ensure diversification of agricultural activities offering alternative employment opportunities.
72. Regularly review policies in relation to imports and emergency supplies to ensure that food security is retained.
73. Encourage an enabling framework for farmers to use agro-ecological practices and provide training on alternative methods of pest control as a means of avoiding the excessive use of synthetic pesticides.
74. Increase already established monitoring mechanisms to ensure that annual fishing permits are distributed in a transparent manner in accordance with international fishing regulations.

Environmental issues and climate change

75. Prioritize vulnerability assessments, adaptation and mitigation financing and support to urban poor, small farmers and coastal communities that are particularly vulnerable to the impact of climate change.
76. Promote the conservation and management of agricultural biodiversity to ensure genetic diversity in order to sustain the natural resource base for farmer resilience, innovation and adaptation to climate change.
77. Increase implementation of environmental laws to protect the watersheds, forests and rivers, which are the primary sources of food. Mechanisms to prevent soil erosion and flooding, and to enrich biodiversity, should be implemented.

Women

78. Promote awareness and facilitate the participation of local populations, particularly women and youths, with the support of non-governmental organizations, in development measures to tackle the impact of climate change.
79. Take all measures necessary to eliminate prejudices and negative practices that undermine women's enjoyment of rights in line with the obligations assumed by Morocco under the Convention on the Elimination of all Forms of Discrimination against Women.
80. Strengthen the participation of women in relation to the right to food, particularly at the decision-making level. Provision should be made for women who live in remote areas to be able to participate fully in political life.
81. Implement the provisions of the Habous Code and take measures to eliminate the sociocultural barriers currently preventing women from exercising their right to land.
82. Take measures to promote healthy eating among women and highlight the negative health risks associated with overweight and obesity.
83. Raise awareness about optimal breastfeeding practices among the population and support women and their families to practice optimal infant and young children feeding practices.
84. Strengthen implementation and enforcement of the Breastfeeding Code and establish an independent monitoring system.

85. Review, analyse and modify policies and programmes on poverty reduction to ensure that gender concerns are taken into account in effective ways.
86. Encourage the implementation of gender-sensitive budgeting as an operational tool to develop assessments of public policies from a gender perspective.
87. Improve the identification of eligible beneficiaries of social protection schemes, in order to ensure that they reach the poorest and most disadvantaged sectors of society, including those living in rural areas; implement measures to ensure that targeting of beneficiaries is transparent and that corruption is eradicated at all levels within the system.

Children

88. Ensure that the State budget reflects a commitment to children's rights by guaranteeing equitable and adequate allocation of resources for the provision of essential services for children, particularly in ensuring their right to healthy and nutritious food.
89. Reinforce efforts to allocate appropriate resources, and develop, adopt and implement coordinated policies and programmes to improve and protect the nutrition of children, particularly in rural areas.
90. Facilitate greater and equal access to primary health service, reduce the incidence of maternal, child and infant mortality, and promote proper breastfeeding practices in line with the recommendations highlighted by the Committee on the Rights of the Child. The role of social workers should be strengthened and they should be remunerated accordingly to ensure that the rights of children to access adequate and nutritious food are effectively monitored, and awareness in relation to good nutrition is raised at the family level.

Unemployed youth

91. Strengthen existing efforts to significantly reduce the unemployment rate by targeting women and young people, and increase the number of retraining programmes and vocational and technical training programmes, as well as incentives for employers to create jobs, and hire women and youth where appropriate.

Persons with disabilities

92. Expedite Draft Law 97.13 on the protection and advancement of persons with disabilities, currently being reviewed in Parliament, in order to ensure the legal protection of persons with disabilities.
93. Ensure that a disability perspective is taken fully into account in nutrition policy and programming, maternal and child health policy, and broader health initiatives.

Dakhla, Western Sahara

94. Adopt a human rights-based poverty reduction strategy that specifically targets the needs of disadvantaged and marginalized individuals and groups, with sufficient financial and other resources allocated to ensure implementation and guarantee that resources are fairly distributed among all those affected by poverty, in line with the recommendations made by the Committee on Economic, Social and Cultural Rights.
95. Ensure that existing educational resources benefit the local population and introduce mechanisms to significantly reduce unemployment and develop technical

training programmes for Sahrawi people as well as incentives for employers to hire young people without discrimination.

96. Monitor the implementation of education and youth programmes, and ensure that the local population is afforded equal opportunities to education and employment, with a view to reducing poverty and guaranteeing food and nutrition security for all, in line with international law.



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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Report of the Special Rapporteur on the right to food on her mission to the Philippines: comments by the State

Note by the Secretariat

The Secretariat has the honour to transmit to the Human Rights Council the comments by the State on the report of the Special Rapporteur on the right to food on her mission to the Philippines.

GE.16-02561(E)



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Report of the Special Rapporteur on the right to food on her mission to the Philippines: comments by the State^{*}

Comments on the Report of the Special Rapporteur on the right to food, Hilal Elver, on her mission to the Philippines (from 20 to 27 February 2015)

I. General Remarks

In general, the report is well written and clear and contains the most crucial issues and concerns pertaining to the food security and nutrition situation of the Philippines. With regard to the country's commitment having been a signatory to various international human rights treaties including the CEDAW, the Convention on the Rights of the Child (CRC), and the Convention on the Rights of Persons with Disability (CRPD), all of which contain provisions explicitly related to the right to adequate food, the Philippines has a conducive and enabling policy environment for food security and nutrition concerns. The challenge lies on better enforcement and further improvement in implementing laws, both at the national and sub-national level, through greater coordination and cooperation between and among national government agencies in the area of targeting, and focusing on the most vulnerable groups.

Furthermore, we appreciate the presentation in the report of the efforts of the Philippine government in addressing the incidence of malnutrition, underweightness and mortality among children despite inadequate resources, poverty and natural disasters with recommendations to alleviate such situations in response.

The Philippines is of the view that there is a need to update the statistics and other data cited in the report to accurately reflect the current state of affairs in the country such as in the following:

II. General overview of food insecurity and nutrition

Para 4: Under item II on General overview of food insecurity and nutrition, real GDP for 2014 grew by 6.1 percent. Real GDP for the first nine months of 2015 grew by 5.6 percent. The WB¹, IMF, and ADB expect full-year growth to reach 5.8, 6.0, and 6.0 percent in 2015; and accelerating to 6.4, 6.3, and 6.3 percent in 2016, respectively. Based on the Philippine Statistical Authority's (PSA) 2014 regional data, Eastern Visayas, which was hit the most by Super Typhoon Haiyan in 2013, accounted for 2.0 percent of National GDP.²

^{*} Reproduced as received.

¹ World Bank. (2015). "Staying the Course" East Asia and Pacific Economic Update (October), World Bank, Washington, DC. Retrieved from <http://pubdocs.worldbank.org/pubdocs/publicdoc/2015/10/414911444005973491/pdf/EAP-EconomicUpdate-2015-10.pdf>

² Philippine Statistics Authority. (2015). 2014 Gross Regional Domestic Product (as of July 2015) - Data and Charts. Retrieved from Philippine Statistics Authority: <http://www.nscb.gov.ph/grdp/datacharts.asp>

Para 5: The latest data from the 8th National Nutrition Survey (8thNNS) conducted in 2013 showed the prevalence of underweight and wasted children under five standing at 19.9% and 7.9%, respectively.

Para 6: On the impact of Super Typhoon Haiyan on the country's food poverty situation, the country's subsistence incidence (among population) stabilized to 10.5 percent³ on the first semester periods of 2013 and 2014 based on the 2014 Annual Poverty Indicator Survey (APIS). There were no significant changes in food poverty incidence between 2013 and 2014 despite the impact of Super Typhoon Haiyan in November 2013 due to the government's concerted efforts to alleviate food poverty nationwide.

Para 7: With regard to the Gender Inequality Index, the Philippines ranks 78th out of 149 countries, with a value of 0.406. Meanwhile, our Gender Development Index is at 0.989. This is higher than average in the medium HDI group, and in the East Asia and the Pacific.⁴

III. Legal and Policy framework

Para 8: For consistency, the Philippine Development Plan 2011-2016 Midterm Update should be used instead of the Medium-Term Philippine Development Plan (2004-2010). It may also be noted that the former is already cited in paragraph 12 of the report under the policy framework section.

Para 9: Under item III on Legal and policy framework, the Philippines is a State-Party to 8 of the 9 core international human rights instruments, namely:

- International Convention on the Elimination of All Forms of Racial Discrimination;
- International Covenant on Civil and Political Rights;
- International Covenant on Economic, Social and Cultural Rights;
- Convention on the Elimination of All Forms of Discrimination against Women;
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- Convention on the Rights of the Child;
- International Convention on the Protection of the Rights of All Migrant Workers and members of Their Families; and
- Convention on the Rights of Persons with Disabilities.

Para 10: In addition to the laws cited in the report, the Republic Act (RA) 8550 (Philippine Fisheries Code of 1998) as amended by RA 10654 (An Act to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing and its Implementing Rules and Regulations of the Fisheries Code) should also be included. Section 2(a) of RA 8550, as amended by RA 10654, provides the following State policy:

(a) To achieve food security as the overriding consideration in the utilization, management, development and protection of fishery resources in order to provide the food needs of the population. A flexible policy towards the attainment of food security shall be adopted in response to changes in

³ Note that the 2014 First Semester APIS Report excluded Leyte due to the scope of devastation of Typhoon Yolanda; all other provinces of Region 8 were included however.

⁴ <http://www.neda.gov.ph/2014/08/19/presentation-sec-balisacan-2014-human-development-report-5th-phl-progress-report-mdgs-launch-read-national-statistician-lisa-grace-bersales/>

demographic trends for fish, emerging trends in the trade of fish and other aquatic products in domestic and international markets, and the law of supply and demand.

Furthermore, apart from the provisions of the Philippine Constitution cited in the report, particularly Article III Section (right to life), and the Magna Carta of Women, which contain explicit guarantee related to the right to adequate food, the Philippines is of the view that the report should also note that as early as 1974, Presidential Decree 491, specifically created the National Nutrition Council, composed of 10 national government agencies, with the primary mandate to:

- 1) Formulate national food and nutrition policies and strategies;
- 2) Coordinate the national food and nutrition program;
- 3) Coordinate funds for nutrition; and
- 4) Call on any government instrumentality for assistance.

IV. Food availability: Challenges facing the agriculture sector

Para 15: On item IV concerning Food availability: Challenges facing the agriculture sector (Para.15). As of 2014, the share of Agriculture to GDP stood at 10 percent. About 30 percent of the total employed was generated by the Agriculture sector. Additionally, the average share of Agriculture to GDP during the 1991-1994 period stood at 14.9 percent at constant 2000 prices.

Based on the 2010 Census of the Population, the rural population or those who lived in areas classified as rural numbered 50.5 million and accounted for 54.7 percent of the total population.⁵

Para 18: On the UN Rapporteur's statement, "*the irrigation infrastructure in some instances is not maintained efficiently or adequately utilized thus reducing productivity potential*" paints a one-sided picture. The Philippine Department of Agriculture (DA), from year 2014⁶, prioritized the provision of small-scale irrigation facilities in cluster areas to ensure that major waterways are functional and achieve higher irrigation efficiency. In 2014 alone, more than 3,000 hectares were service areas supplied by 160 small-scale irrigation projects (SSIPs).

Regarding the support to farmers in marketing their produce, the Department of Agriculture constructs Agri-Pinoy Trading Centers (APTC) in strategic locations that serve as direct marketing hubs for farmers and fishers and aims to reduce the layers of middlemen. Based on data, trading centers helped increase the income of farmers and fishermen by as much as 15% to 25%. Currently, the Department has already established nine (9) operational APTCs, municipal food terminals and barangay food terminals.

The Rapporteur's statement that "*adequate roads and transport infrastructure is also lacking in more remote areas*" is also not reflective of the situation in the Philippines. The DA has placed emphasis in the development of farm-to-market roads (FMRs), which is also a priority under RA 8435 or the Agriculture and Fishery Modernization Act of 1997. The program to construct and rehabilitate farm to market roads (FMRs) aims to provide rural

⁵ Philippine Statistics Authority. (2013). Urban-Rural Classification: Urban Barangay in the Philippines (Based on 2010 CPH). Retrieved from Philippine Statistics Authority Website: <https://psa.gov.ph/tags/urban-rural-classification>

⁶ Source: 2014 DA Annual Report

communities access to main roads, thereby reducing post-harvest losses and transport costs. From years 2011-2014, more than 3000 kilometers of FMRs had been constructed nationwide.

Para 19: The third sentence should be revised to capture the full nature of the country's land reform program, to wit: "The reform is comprehensive as it covers not only private land but also public land classified as agricultural. It provides for the redistribution of land with appropriate support services to help the beneficiaries survive as independent small farmers."

Para 20: As of January 2013, the official land acquisition and distribution balance was 869,181 hectares.

After the fourth sentence, it should be reflected that a proposed law which seeks to "extend" CARP for another 5 years has been filed at the House of Representatives and a post-2014 "transition plan" was developed by Department of Agrarian Reform (DAR) in order to continue with support services provision for the beneficiaries of the land distribution program.

Para 21: While it appears that there are cases that the notice of coverage (NOC), which commences the land acquisition and distribution (LAD) process, is being ignored by large landowners, the land reform law provides that NOCs shall be published by DAR if landowners ignore or refuse to accept them.

Moreover, in addition to physical infrastructure such as FMRs, irrigation, warehouses and institutional development support, DAR has expanded the provision of support services through increased funding for credit, crop insurance, provision of common service facilities, business development services, entrepreneurship trainings and legal services for farmers engaged in agribusiness ventures.

Para 22: Based on the 2014 national income account (NIA), fisheries contracted by 0.4 percent, at constant 2000 prices, while it accounted for 18.18 percent of total agricultural production.

Para 23: The UNSR's report should include Republic Act No. 10654 (An Act to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing), amending RA No. 8550 or the Fisheries Code of 1998 which was enacted into law in February 2015 as part of its legal references. This law extended municipal waters for small fishing vessels, i.e., weighing 3 gross tons or less, to up to 15 kilometers from the shoreline.

Local Government Units, which has jurisdiction over these waters however, may authorize small and medium commercial fishing vessels, i.e., greater than 3.1 gross tons to 150 gross tons, to operate within 10.1 to 15 kilometer area, provided that the following conditions are met:

- (a) No commercial fishing in municipal waters with depth less than seven (7) fathoms as certified by the appropriate agency;
- (b) Fishing activities utilizing methods and gears that are determined to be consistent with national policies set by the Department;
- (c) Prior consultation, through public hearing, with the M/C FARMC has been conducted; and
- (d) The applicant vessel as well as the ship owner, employer, captain or crew have been certified by the appropriate agency as not having violated this Code, environmental laws and related laws.

It is further stated that in no case shall the authorization or permit be granted for fishing in bays as determined by the Department to be in an environmentally critical condition and during closed season.

Considering the size limitation of municipal fishing boats (3 Gross Tons or less), municipal fishers cannot go beyond the 15 km boundary. The Philippines continues to address any incidents of encroachment of commercial fishers in municipal waters.

On the delineation of municipal waters to ensure resource sustainability: Paragraph 4 of Sec 16 of RA 8550 as amended by RA 10654 s. 2015 stipulates that the management of contiguous fishery resources such as bays, which straddle several municipalities, cities or provinces, shall be done in an integrated manner, and shall not be based on political subdivisions of municipal waters in order to facilitate their management as a single resource.

On note 29: RA No. 8550 s. 1987 as amended by RA 10654 s.2015 defines "municipal fisher folk" as persons directly or indirectly engaged in municipal fishing and other related fishing activities and "municipal fishing" as fishing within municipal waters using fishing vessels of three (3) gross tons or less, or fishing not requiring the use of fishing vessels, respectively.

Para 24: The regulatory policies of the country's fishery laws, RA 8550 as amended by RA 10654, provides stiff penalties to deter, eliminate and prevent illegal, unreported and unregulated fishing. It also prohibits destructive fishing methods, fishing in marine protected areas, fishery reserves, refuge and sanctuaries, conversion of mangroves and aquatic pollution.

Arbitrary control on maritime areas that are prized fishing grounds has further put at risk the livelihood of municipal fisher folks. The illegal occupation of other countries in contested maritime zones has also threatened fish requirements of the Philippines and the sustainability of maritime life and natural resources.

V. Food Accessibility

Para 25: Under item V relating to Food Accessibility, poverty incidence among the population declined from 26.3 percent in 2009 to 25.2 percent in 2012. In terms of levels, however, the magnitude of poverty increased from 23.3 million to 23.7 million. The report only cited the magnitude of poverty in terms of number of households falling below the poverty line.

On unemployment and underemployment levels in 2013, it should be clarified that around 2.9 million were unemployed while there were 7.4 million underemployed. The 2008 Informal Sector Survey conducted by the National Statistics Office (NSO) identified about 10.5 million informal sector operators.⁷

Para 30: As of June 2015, the Philippine Health Insurance Corporation (PhilHealth) coverage rate stood at 88% of the projected population. Republic Act (RA) No. 10606 or the National Health Insurance Act of 2013 mandates the national government to provide and subsidize health insurance coverage for indigents identified under the National Household Targeting System for Poverty Reduction (NHTS-PR). Currently, there are about

⁷ Philippine Statistics Authority. (14, January 2009). Informal sector operators counted at 10.5 million (Results from the 2008 Informal Sector Survey). Retrieved from Philippine Statistics Authority Website: <https://psa.gov.ph/content/informal-sector-operators-counted-105-million-results-2008-informal-sector-survey>

15.29 million members and 30.12 million dependents covered under PhilHealth's Indigent Program. The No Balance Billing Policy ensures that indigents will not be charged beyond the prescribed case rates in government health care facilities. In addition, health insurance coverage is also provided to senior citizens and individuals from vulnerable sectors. There are also about 3.60 million members and 4.16 million dependents in the informal economy, which includes migrant workers, informal sector members, self-earning individuals, and organized groups. Aside from expanding the PhilHealth coverage, the Government has sought to improve its information and education campaign to enable members to maximize the use of their PhilHealth coverage.

Para 31: The data used in the UNSR's report was taken from the 2006 Social Security System (SSS) Report and can be updated along with data from the Government Service Insurance System (GSIS). As of March 2015, 921,825 employers were enrolled with SSS, compared to 780,000 enrolled employers in 2006. There are also 32.5 million registered employees, self-employed and voluntary members with SSS coverage, as of the same period.

Para 33: Supplementary feeding programs have always been a component of services provided in public elementary schools and day care centers. Procurement of food commodities had always been centralized at the level of the national government. However, this role has since been devolved since 2010 as a function of local government units and field offices/schools with funds still emanating from the national government. Parents have also been involved in feeding programs in day care centres.

Para 35: Republic Act No. 8371 or the Indigenous Peoples Rights Act (IPRA) is a landmark legislation enacted to promote and preserve the rights of the Indigenous Peoples (IP)/Indigenous Cultural Communities (ICCs). Under the IPRA, the IPs/ICCs are assured of four bundles of rights, namely:

- (i) right to Ancestral Domain and Lands;
- (ii) right to self-governance and empowerment;
- (iii) right to social justice and human rights; and
- (iv) right to cultural integrity.

These rights should be recognized in whatever phase or stage of national development.

Additionally, the National Commission on Indigenous Peoples (NCIP), as the primary implementing agency of IPRA, recognizes the right of IPs/ICCs to undertake economic activities that ensure their right to food and pursues programs and projects only upon the Free, Prior and Informed Consent (FPIC) of the IPs/ICCs. This consent process is granted by the concerned IP/ICC through the NCIP's facilitation and intervention and is studiously complied with prior to undertaking any activity in an identified ancestral domain. This is in recognition of IP's/ICC's right to self-determination and to their ancestral lands, including their economic stability and food security.

Paras 35–37: The Philippine Commission on Women (PCW), as the national focal point for women's empowerment and gender equality, cites Sec.23 (b) of the Magna Carta of Women on the matter of the Large Scale Development and Mining Projects, which states that "information and assistance in claiming rights to the land shall be made available to women at all times. All concerned agencies with land management programs shall develop programs to provide information, education and communication and assistance in claiming such rights." State agencies like the NCIP have undertaken measures to ensure the active participation of women in its programs and activities.

The Philippines also emphasizes that Indigenous People (IP) women were found to be active respondents to the Indigenous Knowledge Systems and Practices (IKSP) documentation activities that would support the NCIP's formulation of a recognition/claim book for each IP group for the delineation and titling of their respective ancestral domain or the formulation of their Ancestral Domain Sustainable Development and Protection Plan (ADSPP).

VI. Food adequacy

Para 38: As of 2013, the prevalence of underweight children under 5 is at 19.9% while the prevalence of wasting and stunting are at 7.9% and 30.3%, respectively. Per the 8th National Nutrition Survey (NNS), the regions with the highest prevalence of wasting were Region I (Ilocos) and Region IV-B (MIMAROPA), not Region VI (Western Visayas) and Region VII (Central Visayas).

Para 39: The nutritional problem in the Philippines cannot be described as simply "protein deficiency." National Nutrition Surveys have always reported more than 100% adequacy in protein consumption (primarily because of the high rice consumption that contributed significantly to protein intake). Reported incidents of deficiency in energy intake, when coupled with frequent bouts of infection among young children, can result to a slowing down of growth and eventually stunting.

Para 40: As mentioned under Item III on the legal and policy framework, the PPAN, which currently covers the period 2011-2016, was conceptualized as early as 1974 upon the establishment of the National Nutrition Council in the same year. The Philippines recognizes the value of instituting a multi-sectoral approach to tackle malnutrition with specific focus on strengthening and making government interventions and programs more comprehensive to meet the challenges of the double burden of malnutrition.

Para 41: According to the 8thNNS conducted in 2013, 31.1% of Filipino adults were classified as overweight and obese. The prevalence of overweight children aged between 5-10 years old stood at 4.9% in 2013, lower than the 7.5% rating in 2011. Obesity stood at 6.6% in 2008.

VII. Groups living in vulnerable situations

Paras 42-44: the following should also be considered in the UNSR's report:

A. Women

1. Some localities in the Philippines reported the involvement of women in their local government's food security training programs from 2009 up to 2012.

These initiatives include animal dispersal, vegetable production/community gardening/Modelong Gulayan ng Bayan, FAITH (Food Always in the Home) Program, Palayamanan Project/rice production demonstration, seed distribution, fruit tree production, diversified farming, homemakers' classes, nutrition forum, organic agriculture (organic fertilizer production, organic livestock and poultry production, Organic Farming and Integrated Pest Management, organic pesticides) and some fishery-related activities.

2. Local governments have noted the participation of more women in program planning and implementation while only a limited number of LGUs confirmed the participation of women in monitoring and evaluation.

The participation of women is highly visible in the Fisheries Conservation and Development Program, Faith Project Modelong Gulayan sa Bayan, Community/School Vegetable Production, Bio-Intensive Gardening as well as in food processing. There was a significant increase in the number of women participating in organic farming activities organized by local governments due to their affiliation with various political organizations, Rural Improvement Clubs (RICs), 4-H Clubs and Associations of farmers/fisher folks/youth, faith-based groups, rural-based groups, senior citizens associations and elementary school programs.

3. Local governments have reported the following benefits brought about by the involvement of women in their food security initiatives, as follows: a) better nutrition; b) additional income that helped to send children to school and build/improve shelter; c) production of healthy and safe food; and d) reduced hunger and food sufficiency. These projects have improved women's equal access to technical training and free agricultural inputs such as vegetable seeds.
4. In relation to paragraph 44 which relates to the "burdens faced by women as the primary care givers within the family setting, including the different challenges relating to assuring adequate food and nutrition for their family", the Philippines highlights the following advancements:

Development of a comprehensive national strategy of health programs, services and information that address women's right to health throughout their lifespan.

Specifically, the Magna Carta of Women (MCW) IRR ensures the provision of the following programs and services: maternal care, breastfeeding and proper nutrition for lactating mothers; responsible, ethical, legal, safe and effective methods of family planning; youth sexuality education and services; prevention and management of reproductive tract infections and cancers; prevention of abortion and management of pregnancy-related complications; VAWC comprehensive health services; HIV-AIDS; infertility and sexual dysfunctions, care of elderly; and women/girl mental health management. Majority of the initiatives have centered on *maternal and child-care*, which include the prevention of abortion and management of pregnancy-related complications.

- a. *Access to maternal care inclusive of pre-natal, delivery and post-natal services to address pregnancy and infant health and nutrition*

Notwithstanding that access to the package of maternal care varies among local government units (LGUs), there has been steady increase of deliveries in health units, both for normal and other types, from the average 2009 figure of 46.42% to 67.64% in 2012. Services of physicians in attending deliveries increased from 35.5% in 2009 to 42.3% in 2012. Further, covering the period 2009-2012, LGUs reported the following improvements: pregnant women given TT2 plus ranged from 25% to 82.5%; pregnant women given complete iron with folic ranged from 11.45% to 86%; and percentage of pregnant women given Vitamin A ranged from 41% to 44%.

- b. *Breastfeeding and proper nutrition for lactating mothers promoted*

Peer counseling and community support have proven to be effective in correcting misconceptions in breastfeeding. Peer Counselors' Trainings were conducted in 32 cities as part of the Communications for Behavioral Impact (COMBI) strategy from 2010-2012.

Lactation stations were provided in informal work places. The Department of Interior and Local Government (DILG) issued Memorandum circular 2011-054 for the implementation and monitoring of the national policy on breastfeeding and setting up of lactation stations in workplaces.

In 2012, the Philippine Government through the Department of Health (DOH) launched “Breastfeeding Welcome Here” program for businesses and organizations to foster a welcoming attitude towards breastfeeding as support for women and their families’ decision to breastfeed their babies. Local Government Units (LGUs) also issued ordinances to promote breastfeeding. The National Anti-Poverty Council (NAPC) and the Department of Labor and Employment (DOLE), in cooperation with tripartite partners, developed a Monitoring Evaluation for the Implementation of Expanded Breastfeeding (EBF) in workplaces. The percentages of postpartum women that were encouraged and had initiated breastfeeding in respondent LGUs ranged from 27.45% to 93% in 2012.

Para 43: The Philippines, through the Bureau of Fisheries and Aquatic Resources (BFAR), established a centralized registration database for municipal fisher folk entitled *FishR or Municipal Fisherfolk Registration System*. The system was rolled out to all coastal and inland municipalities and cities in 2013 to ensure the registration of all municipal fisher folk, including fishermen, vendors, processors, gleaners, fish farmers, fish workers and crew, among others. To date, the system has more than 1.6 million registered fisherfolk, close to 40 percent of which are women. Currently, the database is being harmonized with the Registry of System for Basic Sectors in Agriculture (RSBSA) and cross-matched with that of the Department of Social Welfare and Development (DSWD) and the Philippine Health Insurance Corporation (PhilHealth) for provision of social benefits to qualified indigents.

Para 47: The latest data on child health and mortality from the 2013 National Demographic and Health Survey show that the Philippine’s under-five mortality rate stood at 31 per 1000 live births; infant mortality rate stood at 23 per 1000 live births; and neonatal mortality rate is at 13 per 1000 live births. While there are slight differences with the 2011 Family Health Survey, the trend remains decreasing.

Para 48: On the allegation of “frail” financial commitment of the country to ensure that children receive adequate food and nutrition, the report should have noted that Senate Bill No. 202 (Child Nutrition Act of the Philippines) was filed in the 16th Congress. It proposes a school nutrition program to be established, sustained and maintained by the government which would provide a distribution system of milk and fortified snack foods to entrants of public elementary schools for the minimum period of 120 feeding days, five times a week with vitamin supplements for a certain period of time to be determined by the Department of Health (DOH). The program shall have an initial fund of PHP 100 million and shall afterwards be appropriated annually under the National Nutrition Council, an agency under the Department of Health (DOH) and the Department of Education (DepEd).

As part of the food situation in the Philippines, the Philippine government addresses food safety as part of its child protection policy. The Department of Health (DOH) provides advisories, particularly, to local school officials in the aftermath of the reported cases of food poisoning involving children. The DOH advises school administrators to secure health certificate for food handlers working in school canteens.^{8 9} Reports of such news have been

⁸ Shiela Crisostomo. “DOH issues tips to avoid food poisoning.” *The Philippine Star*. Updated 17 January 2016. Retrieved from: <http://www.philstar.com/metro/2016/01/17/1543388/doh-issues-tips-avoid-food-poisoning>

⁹ EIN Newsdesk. Philippines Food Poisoning News Feed. Retrieved from: <http://foodsafety.einnews.com/news/food-poisoning/philippines>

alarming.¹⁰ Children are to be provided with safe food under their right to health. Food safety connotes food preparation and use, which is one of the pillars of food security.¹¹

Para 51: With reference to the first sentence, the Philippines notes that only apparent disabilities were conducted during the 2010 census.

Para 52: The report should have used the term “insufficient implementing measures” instead of “insufficient measures” to precisely identify existing challenges.

The Philippines passed the Accessibility Law in 1983, which in line with standards set in the UN Convention on the Rights of Persons with Disabilities, provides for an environment that enhances the mobility of persons with disabilities. The Philippines also enacted Republic Act 7277, otherwise known as the Magna Carta of Disabled Persons, which provides for the rehabilitation, self-development and self-reliance of disabled persons and their integration into mainstream society.

Para 53: Children with disabilities in the Philippines are now being included in the nationwide government feeding program, which should also be highlighted in the report. In fact, children with disabilities are among the priority.

The National Household Targeting System identified more or less 300,000 poor families with children with disabilities out of the 4.1 million families listed. They were included among the beneficiaries of the Conditional Cash Transfer program, which supports the education and health of children-18 years old and below, including children with disabilities.

The Philippines, through the Department of Education (DepEd), had established more than 400 Special Education Centers nationwide within public elementary and secondary schools. DepEd is now shifting to inclusive education, which will include the development of support services for children and adults with disabilities to enable them to live independently in their respective communities.

VIII. Emerging Challenges

Para 55: The phrase “*third most vulnerable*” lacks citation.

The Philippines is one of the countries most vulnerable to climate change. Additionally, according to the 2016 Climate Change Vulnerability Index (CCVI) released by risk analysis company Verisk Maplecroft, the Philippines was ranked 13th most climate vulnerable country, an improvement from the 2015 index which ranked it at 8th place.

Para 56: The Philippines notes that the impact of climate change to fisheries is not comprehensively covered in this paragraph as it only reflects coastal area species and habitats. The offshore/pelagic species such as tunas and sardines will also be affected (reproduction, migration, etc). In addition, the fisheries industry (fisher folk and altered fishing practice due to changing typhoon patterns) should also be highlighted and should not be limited only to ocean acidification.

The Philippines has intensified resource rehabilitation measures to include mangrove planting, use of environment friendly fishing gears, fish cage and seaweed farming,

¹⁰ Ernesto M. Maceda. “Food Poisoning All Over.” Search for Truth (opinion column). The Philippine Star. Updated: 18 July 2015. Retrieved from:

<http://www.philstar.com/opinion/2015/07/18/1478160/food-poisoning-all-over>

¹¹ World Health Organization. Food Security. Retrieved from:

<http://www.who.int/trade/glossary/story028/en/>

establishment of sanctuaries, observance of closed season and similar efforts. This is to address the concern of municipal fishers on the declining fish stocks due to overfishing and poor condition of the resource/habitat base that has led to illegal and destructive fishing practices.

To date, there are four (4) major fishing areas that regularly observe a *closed season for fishing*, i.e., Visayan Sea, Sulu Sea, Davao Gulf and Palawan waters. Bay wide Management Councils had been organized and are actively managing contiguous bodies of water against illegal forms of fishing and regulating fish cage farming to prevent and/or reduce the occurrences of fish kills.

IX. Next Steps: Implementation of a national food and nutrition framework

Para 60: Senate Bill 2137 entitled "An Act Providing a Framework for the Right to Adequate Food"¹² was filed on 24 February 2014 which seeks to harmonize various Philippine laws that guarantee certain aspects of right to adequate food. The bill aims to ensure that the incidence of hunger is reduced by 25% in every 2.5 years from the time of the passage of the framework act, i.e., reduction of incidence of hunger by 25% in 2.5 years; by 50% in five (5) years; by 75% in 7.5 years; and 100% or zero hunger by the end of 10 years. The Government will also ensure that in 10 years, land devoted to food production will be increased to 50% of all prime agricultural land in every region. The bill is pending on second reading, as of December 2015.

The pending legislation aims to pursue greater emphasis on programs that cuts across health, nutrition, agriculture, social protection and environmental protection, with specific focus on vulnerable groups such as women, children, persons with disability and the elderly."

X. Concluding observations and recommendations

The Philippines, in conclusion, will take into serious consideration the observations and recommendations of the Special Rapporteur and in the spirit of constructive engagement will undertake to implement those that are doable and sustainable and in line with the development priorities of the Philippines and with full consideration of its obligations to promote, protect and fulfill human rights, including the right of its people to adequate and quality food.

¹² <http://www.senate.gov.ph/lisdata/18773159011.pdf>



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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Report of the Special Rapporteur on the right to food on her mission to Morocco: comments by the State

Note by the Secretariat

The Secretariat has the honour to transmit to the Human Rights Council the comments by the State on the report of the Special Rapporteur on the right to food on her mission to Morocco.

GE.16-03518(E)



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Report of the Special Rapporteur on the right to food on her mission to Morocco: comments by the State*

Comments on the Report of the Special Rapporteur on the right to food, Hilal Elver, on her mission to Morocco (from 3 to 11 October 2015)

I. Remarques générales

Les Autorités marocaines ont pris connaissance du rapport de la Rapporteuse Spéciale sur le droit à l'alimentation, établi suite à sa visite au Royaume effectuée du OS au 12 octobre 2015, et la remercie pour ses appréciations positives quant à la coopération des différents intervenants pour la réussite de sa mission au Maroc.

Le Maroc, fidèle à ses engagements au niveau international et guidé par sa Constitution, ses politiques, programmes et son cadre législatif national, est sur la bonne voie pour honorer ses obligations et assurer la sécurité alimentaire pour tous.

La Rapporteuse Spéciale a accompli, au cours de sa visite, plusieurs rencontres avec des responsables gouvernementaux, des institutions nationales et des acteurs de la société civile.

La Rapporteuse Spéciale a salué les efforts déployés par le Royaume dans plusieurs domaines liés à la promotion de la sécurité alimentaire et à la lutte contre la pauvreté notamment le développement du secteur agricole à travers le plan Maroc vert, l'initiative Nationale pour le Développement Humain (INDH), la gestion du changement climatique et la budgétisation sensible au genre.

Les Autorités marocaines notent, avec satisfaction que les recommandations émises par la Rapporteuse Spéciale dans son rapport de mission, sont déjà dans leur quasi-totalité, intégrées dans le processus des réformes structurelles que connaît le pays, et dont une bonne partie déjà mise en œuvre.

Soucieux de la promotion d'un dialogue porteur avec la Rapporteuse Spéciale, les Autorités marocaines tiennent, néanmoins, à apporter les précisions suivantes :

II. Observations d'ordre procedural:

1. Les Autorités marocaines regrettent que la Rapporteuse Spéciale n'ait pas pris en compte ou a fait très peu allusion dans son rapport de mission aux informations fournies par les Autorités marocaines dans le cadre de la réalisation du droit à l'alimentation. La plupart des éléments sur lesquels se base le rapport proviennent d'ouvrages ou des rapports d'organismes internationaux.

2. La Rapporteuse Spéciale a conservé des statistiques obsolètes, malgré le fait que les Autorités marocaines lui ont fourni des chiffres actualisés, ce qui a conduit à faire abstraction sur l'évolution que connaît le Maroc depuis des décennies dans tous les domaines.

* Reproduced as received.

3. Le rapport a tendance à saluer les politiques du Gouvernement et en même temps remet en cause leur portée en citant les faiblesses inhérentes à la mise en œuvre de ces politiques et programmes, même avant leur suivi et évaluation par le Gouvernement.

4. Il n'est pas judicieux de dresser des constats de certaines contraintes et défis sans évoquer les mesures que le Maroc met en œuvre pour y répondre. De plus, certaines données sont erronées et conduisent par conséquent à de fausses conclusions.

5. les Autorités marocaines regrettent que le secteur de la pêche ait été très peu valorisé dans le rapport.

Les faits avancés sont rarement étayés par des sources plausibles (études, rapports, statistiques ...), tendant à déprécier les réalités du secteur de la pêche maritime au Maroc et, surtout, les réalisations qu'il a connues ces dernières années. Les propos manquent de nuances et reflètent plutôt des idées préconçues et faisant appel à des raccourcis simplistes.

6. Concernant la partie réservée dans le rapport à la visite de la ville de Dakhla, les Autorités marocaines regrettent que la Rapporteuse Spéciale n'ait pas donné la mesure requise aux efforts déployés par le Maroc pour la réalisation des droits économiques, sociaux et culturels et notamment le droit à l'alimentation dans cette ville. De même, le rapport ne reflète pas les informations communiquées à la Rapporteuse Spéciale par les différents acteurs locaux qu'elle a rencontrés, particulièrement les coopératives féminines solidaires et le secteur de l'agriculture qui se développent dans cette province.

III. Observations de fonds:

II. Vue d'ensemble de la sécurité alimentaire et de la nutrition

Paragraphe 6:

7. La Rapporteuse Spéciale précise qu'elle s'est référée au rapport du Conseil National des Droits de l'Homme (CNDH) sur la situation dans les prisons en 2012. Cette information brute et détachée de tout contexte, aurait gagné en pertinence si elle était confrontée aux efforts déployés par la Délégation Générale de l'Administration Pénitentiaire et à la Réinsertion (DGAPR) en matière d'alimentation des détenus en l'occurrence le nouveau programme d'externalisation de la restauration collective des détenus lancé par la DGAPR depuis le 15 avril 2015.

8. En effet, à aucun moment le rapport du CNDH n'a fait allusion à une quelconque destruction de la nourriture apportée par les familles des détenus à leurs proches par les agents chargés du contrôle des vivres durant les visites dans les établissements pénitentiaires et n'indique l'imposition d'interdiction aux familles des détenus d'introduire de la nourriture que dans deux prisons ce qui n'est pas significative.

9. De plus il est à préciser que la DGAPR interagit de manière positive avec le CNDH et prend en considération ses recommandations.

10. Enfin, depuis l'année 2008, la DGAPR ne cesse de faire des progrès considérables dans le domaine de l'alimentation des détenus que ce soit au niveau de la qualité ou de la quantité. Aujourd'hui la gestion de ce secteur est entièrement dévolue à des sociétés privées qui se chargent actuellement de servir les trois repas quotidiens aux détenus dans toutes les prisons marocaines.

III Cadre Juridique et politique

B. Cadre institutionnel et politique

Paragraphe 17:

11. La pêche maritime occupe une place centrale dans l'économie du Royaume du Maroc. Participant à l'emploi direct et indirect de plus de 0,6 millions de personnes, ce secteur contribue à hauteur de 2% à 3% du PIB (Produit Intérieur Brut) du pays qui est, par ailleurs, l'un des plus grands producteurs de poisson à l'échelle régionale.

12. Depuis septembre 2009, la pêche maritime fait l'objet d'une stratégie de développement et de compétitivité dénommée Halieutis. Organisée autour de trois axes majeurs (durabilité de la ressource halieutique, performance des opérations de débarquement et de commercialisation et compétitivité des produits de la mer), elle ambitionne de faire du secteur un moteur de croissance de l'économie marocaine à travers la conduite d'une série de projets adossés à des objectifs clairs définis à horizon 2020. Nous citons à titre d'exemple la mise en place de plans d'aménagement des pêcheries, la promotion de la pêche artisanale, le développement d'infrastructures de première et de deuxième vente du poisson, la promotion de la valorisation des produits de la pêche et l'amélioration de l'approvisionnement des industries en matière première tant en volume qu'en qualité. Toutes ces réalisations œuvrent de façon étroite à la promotion du droit à l'alimentation en assurant des emplois, une valorisation satisfaisante des apports de pêche et des infrastructures de commercialisation de proximité aptes à distribuer le poisson dans des conditions d'hygiène et de qualité.

13. Halieutis a façonné le secteur de la pêche maritime au Maroc comme en témoignent les indicateurs suivants:

- Production halieutique : 1,4 millions de tonnes en 2015 (pour une valeur de 10,6 milliards de dirhams), contre 1 million en 2007, soit 82% de l'objectif fixé pour 2020;
- Taux de couverture des espèces capturées par des plans d'aménagement: 91% en 2015 contre 5% en 2007 et 95% comme objectif à horizon 2020 ;
- Exportations marocaines des produits de la pêche: 2 milliards de dollars américains en 2015 contre 1,2 milliards en 2007, soit 65% de l'objectif tracé pour 2020;
- Investissements privés dans la valorisation des produits de la pêche : 1,7 milliards de dirhams sur la période 2009-2014, soit une croissance annuelle moyenne de l'ordre de 12%.

14. Il convient de relever que, la valeur de la production halieutique marocaine a atteint 10,6 milliards de dirhams en 2015 et non millions comme mentionné dans le rapport.

C. Plan Maroc Vert

Paragraphe 19:

15. La Rapporteuse Spéciale recommande que la sécurité alimentaire devrait être l'un des principales objectives à atteindre par le Plan Maroc Vert (PMV), alors qu'en terme de stratégie agricole, ce Plan a été, depuis le premier jour, construit sur le développement des filières agricoles stratégiques du Maroc, en premier lieu celles liées directement à sa sécurité alimentaire, et ses objectifs à date ont été fixé et atteint en totale adéquation avec l'évolution de la consommation alimentaire des marocains.

16. Par ailleurs, même si la sécurité alimentaire n'est pas synonyme d'autosuffisance, le Maroc a garanti 100% de son autosuffisance sur plusieurs filières alimentaires notamment: les fruits et légumes, les viandes rouges, les viandes blanches et œufs et l'huile d'olive, à l'exception (data2015):

- a). Des céréales : taux d'autosuffisance de près de 77%
- b). Du lait : taux d'autosuffisance de plus de 88%

- c). Du sucre : taux d'autosuffisance de plus de 42%
- d). Et des huiles (autres que huile d'olive): la quasi-totalité des graines oléagineuses sont importées.

17. Quant à l'observation de la Rapporteuse Spéciale, faisant état du manque d'une consultation efficace avec les populations locales (plus spécifiquement, ceux qui vivent dans les endroits difficiles à atteindre), il importe tout d'abord de souligner que le Plan Maroc Vert a dédié son second pilier à la résolution de la problématique de la pauvreté dans le monde rural à moyen et long terme. Ainsi, il permet d'encadrer une population cible ne disposant pas des capacités et des moyens d'investir en leur apportant un accompagnement et un encadrement sur mesure destiné à les aider pour développer leurs conditions de vie, de travail et améliorer leur rentabilité.

18. Le pilier II du Plan Maroc Vert veille ainsi à renforcer la stabilité de la population rurale, la cohésion sociale des acteurs de ce secteur et la bonne mise en place d'un développement territorial durable au niveau des zones défavorables.

19. Par ailleurs, et afin de garantir la consultation des acteurs dans le développement des publiques agricoles, le Plan Maroc Vert a donné une forte impulsion au développement des interprofessions. C'est dans ce cadre qu'à ce jour, 19 contrats programmes ont été signés et une loi régulant les interprofessions a été votée en 2015 et est mise en œuvre. Le Plan Maroc Vert est aujourd'hui porté par les interprofessions agricoles et les chambres d'agriculture (les élus).

20. En outre, et toujours dans le cadre de cette approche de consultations et de concertation adoptée par le PMV, les bénéficiaires sont impliqués dans toutes les phases de mise en œuvre des projets. Dans le cadre du pilier 2, la prise en compte des préférences et des préoccupations des bénéficiaires est une étape fondamentale qui précède toute implémentation de projets.

21. Un travail important a été d'ailleurs accompli en partenariat avec la Banque Mondiale sur ce sujet spécifique de « l'approche inclusive ». En effet, chaque projet pilier II inclut plusieurs bénéficiaires. Ce nombre peut s'élever à 500 ou 600 en raison de la petite taille des exploitations agricoles concernées par ce projet. Ces 500 ou 600 exploitations sont réunies dans un seul périmètre pour avoir un effet de taille et faciliter les travaux sur le sol. Après plusieurs échanges avec les bénéficiaires sur le mode de reconversion, la variété du fruit qui va être planté, la densité ... etc., une convention est signée entre chaque bénéficiaire et l'Agence du Développement Agricole qui pilote ces projets. Le début des travaux n'est amorcé qu'une fois ces conventions signées. Malgré la complexité de cette approche, le Plan Maroc Vert en a fait une priorité pour l'ancrage territorial de son impact.

22. Pour ce qui est de l'observation de la Rapporteuse Spéciale, concernant la nécessité d'encourager et d'augmenter le nombre de projets qui ciblent les femmes et les jeunes agriculteurs, il convient de préciser que :

- D'une part, conscient de l'importance de la femme rurale dans le secteur agricole, une étude a été commandée en 2015 par le MAPM afin de définir une stratégie permettant de prendre en considération les besoins et les intérêts des femmes rurales dans la conception, la mise en œuvre et la réalisation des projets de développement agricole.
- a). Les projets en liaison avec les femmes bénéficient d'une attention particulière dans le cadre du PMV. C'est ainsi que plus de 700 projets ont été financés depuis 2008 jusqu'à aujourd'hui concernant (i) plus de 14.000 femmes rurales bénéficiaires, (ii) plus de 1.000 coopératives et associations féminines créées et (iii) environ 13 .000 femmes rurales ont suivi des sessions d'alphabétisation.

- D'autre part, au Maroc, la jeunesse rurale représente un potentiel humain considérable, dont la valorisation constitue un défi crucial pour le développement durable du Royaume. C'est pourquoi, les projets en liaison avec les jeunes bénéficient d'une attention particulière dans le cadre du PMV:
 - a). A titre d'exemple, à Dakhla dans le cadre du PPP foncier 150 Ha ont été dédiés aux jeunes investisseurs sur des parcelles d'environ 5ha chacune. L'état déploie d'importants investissements pour garantir la mise à disposition des infrastructures (exemple : eau) nécessaires à une exploitation efficace et raisonnée des parcelles en question.
 - b). Dans le cadre des programmes de formation et depuis le démarrage du Plan Maroc Vert un programme est dédié spécifiquement aux "jeunes", C'est ainsi qu'entre 2008 et 2015 le PMV a réalisé:
 - 1). La formation initiale de 16 206 lauréats, de 40.000 apprentis et de 2000 bacheliers.
- Le renforcement de la capacité d'accueil à travers la création de 6 nouveaux établissements de FPA et l'augmentation de la capacité d'accueil et d'hébergement de 15 établissements ainsi que la modernisation de leurs équipements et polygones pédagogiques.

IV. Défis pour le Maroc dans la réalisation de la sécurité alimentaire

A. la vulnérabilité du secteur agricole

Paragraphe 21:

23. La Rapporteuse Spéciale a fait remarquer que « Les micro-fermes et autres ménages ruraux sans terre représentent 40 pour cent de la population rurale et ne possèdent que 5 pour cent des terres irriguées et 8 pour cent des terres cultivées ». Il est à préciser à ce sujet que la grande majorité des exploitations en périmètre irrigué bénéficiant des infrastructures étatiques sont des petites exploitations. En effet, selon le recensement de 1996, en périmètre de grande hydraulique et de Petite et Moyenne Hydraulique, les exploitations de moins de 1 OHa représentent 91 % des exploitations et 57% de la superficie irriguée.

24. Pour ce qui est du constat établi par la Rapporteuse Spéciale, concernant Les petits exploitants qui ne peuvent profiter des programmes gouvernementaux, sauf si leur terre est enregistrée, il est à préciser que pour atteindre son objectif de réduire la pauvreté dans le monde rural, le PMV s'est, en effet, voulu global en consacrant le principe de prise en compte de tous les agriculteurs et agricultrices quelle que soit leur lien vis à vis du statut du foncier agricole.

25. En effet, la population rurale n'est pas systématiquement liée à une propriété agricole. Une part importante de cette population fournit la main d'œuvre pour accompagner le développement agricole mais également le développement des autres secteurs tels que l'industrie et le service.

26. L'ensemble des agriculteurs disposant d'un statut foncier titré ou non peuvent bénéficier des programmes du Gouvernement en particulier du PMV et le programme d'action du PMV est inclusif et en grande partie dédié à la petite agriculture. Pour illustrer cet état de fait:

- Un pilier du Plan Maroc Vert (pilier 2) est dédié à l'agriculture solidaire et est composé de programme de reconversion, intensification et diversification et concentre en moyenne plus de 600MDh par an avec une forte montée en puissance pour 2016 avec 2MMMDh.

- Dans le cadre du Fond de Développement Agricole en moyenne près de 75% des dossiers d'aides et incitations sont déposés par des agriculteurs disposants d'exploitations de moins de 1 Oha représentant une moyenne de près de 900MDh par an d'aide versée par l'état à ces agriculteurs
- Les projets relatifs aux nouvelles infrastructures d'irrigation ont mobilisés sur 2014 près de 1,4MMDh. Ce sont des projets qui concentrent la plus grande partie du budget de l'état consacré à l'agriculture. Les exploitations agricoles concernées par ces projets sont à 87% de moins de 5 ha.
- Le programme de transhumance visant l'aménagement des parcours et mobilisant une enveloppe de plus de 200MDh par an bénéficie en grande partie à des éleveurs ne disposant pas de terre. Ce programme est exclusivement dédié à la "petite agriculture"
- Les actions de conseils et vulgarisation agricoles sont quasi exclusivement dédiés aux petits agriculteurs et constituent une dépense de près de 1 OOMDh par an depuis le démarrage du PMV.
- Un programme spécifique aux produits de terroir et pensé pour la petite agriculture concentre 40MDh par an.
- Enfin les programmes de lutte contre la sécheresse comprenant la mise à disposition d'aliments de bétail et de points d'eau peuvent s'élever à près de 820 Mdh sur une année et touchent principalement les petits éleveurs qui pour certains n'ont aucun lien avec une terre.

Paragraphe 24:

27. La Rapporteuse Spéciale affirme que tous les pêcheurs artisans ne bénéficient pas des infrastructures nécessaires pour l'exercice de leur activité et que certains d'entre eux luttent à cause du manque d'équipements de base. Il est à préciser que la pêche artisanale marocaine est réalisée par des unités de pêche (barques) dont la capacité de transport par unité ne dépasse pas 3 TJB (Tonnage de Jauge Brute). En 2015, le nombre de barques actives a atteint près de 15.800 unités employant environ 41.000 personnes. La production réalisée a atteint 75.000 tonnes pour une valeur de près de 2 milliards de dirhams marocains. Au cours de la période 2010-2015, la production de la pêche artisanale a enregistré un rythme annuel de croissance de 12% en volume et de 19% en valeur, contre respectivement 3 % et 6% pour la pêche côtière.

28. Conscient de l'importance de ce segment d'activité, le Royaume du Maroc a lancé, dès les années 1990, le PNAL (Programme National d'Aménagement du Littoral). Celui-ci a pour préoccupation majeure l'intégration de la pêche artisanale dans le tissu socio-économique régional par la mise en place d'infrastructures de base nécessaires à la stabilisation de l'effort de pêche, la valorisation des produits capturés et l'amélioration des conditions socio-économiques des artisans pêcheurs. Ces équipements sont constitués de Points de Débarquement Aménagés (PDA), de Villages de Pêcheurs (VDP) ainsi que d'infrastructures dédiées à la pêche artisanale dans les ports de pêche. Un saut qualitatif et quantitatif important a été réalisé depuis la mise en place de la stratégie Halieutis.

29. Les PDA et VDP comprennent, notamment, des halles au poisson (permettant de mieux valoriser les apports grâce à la vente à la criée qui réduit, justement, le poids des Intermédiaires), des aires de stationnement des barques, des ouvrages de protection (digues maritimes et cales de halage), des équipements de VRD (eau, électricité et voies d'accès routier), des fabriques de glace, des chambres froides, des magasins pêcheurs, des boxes pour le stockage du carburant. Au total, le Maroc compte 43 sites de pêche aménagés dédiés à la pêche artisanale (dont 8 en phase d'études et travaux), ayant nécessité un investissement de 2,1 milliards de DH (environ 212 millions de \$ US). Onze sites de pêche

aménagés ont été réalisés dans le cadre du programme MCC conclu en 2007 pour un investissement de 41 millions de dollars américains.

30. Avec un site de pêche aménagé tous les 55 km (en comptant les ports de pêche), une grande partie de l'activité de pêche artisanale est couverte par des infrastructures adaptées. Le choix des sites à aménager se fait sur la base de la population qui y est active et une certaine taille critique est nécessaire pour justifier l'investissement. En effet, sur la base des sites réalisés à ce jour, un PDA coûte en moyenne 22 MDH et un VDP 93 MDH. La modernisation atteinte aujourd'hui grâce aux infrastructures développées a permis une amélioration progressive des revenus des petits pêcheurs comme en témoigne l'appréciation soutenue de la valeur unitaire des débarquements de près de 6% par an sur la période 2010-2015. Le Département de la Pêche maritime continue d'analyser de nouvelles opportunités de réalisation d'infrastructures de débarquement et de commercialisation au profit de la pêche artisanale.

31. L'amélioration des conditions de travail et de vie des marins pêcheurs artisans est une préoccupation majeure des pouvoirs publics. En plus des infrastructures de débarquement et de commercialisation développées dans le cadre du PNAL, le Département de la Pêche Maritime accompagne le segment artisanal à travers plusieurs actions dont notamment:

- a). *Le programme « IBHAR »* qui vise la mise à niveau de la flotte artisanale par l'équipement de 16.000 barques en installations de stockage, de conservation et de sécurité à bord. Le coût d'investissement (160 MDH) est subventionné à hauteur de 50% par l'Etat, le reliquat étant financé par des microcrédits;
- b). *Le programme d'équipement en caissons isothermes* adressé aux barques artisanales ciblant le poulpe dans les sites de pêche des délégations maritimes de Sidi Ifni, Tan Tan, Laayoune, Boujdour et Dakhla. Environ 7.000 barques sont concernées pour un investissement de 40 MDH financé par l'Etat. A fin juin 2015, 86% des barques ciblées ont ainsi été équipées par ces caissons.

32. Par ailleurs, les plans d'aménagement des pêcheries mis en place par le Département de la Pêche Maritime ont largement contribué à l'amélioration des revenus des marins pêcheurs artisans. A titre d'exemple, le plan d'aménagement du poulpe a permis une reprise progressive du stock et une amélioration des prises et de la valeur de vente depuis 2004. Plus globalement, les captures des céphalopodes réalisées par la pêche artisanale ont enregistré une hausse annuelle moyenne de 21 % en volume et de 26% en valeur sur la période 2010-2015.

33. La Rapporteuse Spéciale affirme que la compétition livrée par les navires côtiers fait que la production de la pêche artisanale demeure marginale. Il convient de préciser qu'afin de limiter l'interaction spatiale entre les unités de pêche artisanales et côtières, le Département de la Pêche Maritime a instauré une mesure décisive à savoir le cantonnement des zones de pêches. En effet, afin de protéger les zones nourricières et l'habitat littoral, une interdiction de chalutage a été instaurée sur tout le littoral marocain (à l'intérieur de la bande de 3 milles marins entre Tanger et Boujdour, 6 milles marins entre Boujdour et Cap Blanc et 1 mille en méditerranée à l'exception de certaines zones protégées). Pour accompagner cette mesure, un système de contrôle par VMS (Vessel Monitoring System), unique dans la région, a été mis en place pour vérifier l'applicabilité de cette mesure. A ce jour, la totalité de la flotte côtière et hauturière est équipée de ce dispositif. Grâce à cette mesure, un redressement de la production a été observé et les interactions entre flottes ont été fortement réduites. A titre d'exemple, la zone de pêche située au sud de Boujdour qui connaît l'activité des trois segments: la zone de cantonnement de la pêche artisanale est fixée entre 2 et 8 milles marins, celle de la pêche chalutière au-delà de 6 milles et celle de la pêche hauturière au-delà de 12 milles.

34. Bien que la pêche artisanale n'a représenté que 6% dans le volume des captures totales en 2015 (hors pêche congélatrice hauturière), elle a constitué 30% de la valeur totale. La valeur unitaire moyenne au kg capturé de la pêche artisanale a ainsi atteint 26 DH en 2015 contre 4 DH pour le segment côtier. Cela s'explique par la spécialisation des barques artisanales dans les espèces nobles (espèces démersales et céphalopodes qui représentent 64% des volumes pour 95% de la valeur en 2015), tandis que la pêche côtière est dominée par les petits pélagiques qui constituent 92% de ses prises en volume et 58% de la valeur. De même, l'appréciation de la performance économique des deux segments doit être approchée au regard de l'investissement et des emplois générés par les deux flottes. A ce titre, la comparaison des rendements bruts, mesurés par le rapport entre le chiffre d'affaires et l'investissement, démontrent l'attractivité du segment artisanal.

35. La Rapporteuse Spéciale fait état du caractère basique de l'équipement utilisé par les petits pêcheurs qui ne permet pas de les protéger lorsque les mers sont agitées. Il importe de préciser que Les équipements embarqués par les barques artisanales sont conformes à la réglementation en vigueur qui intègre des restrictions strictes pour ne pas mettre en danger la sécurité des marins. Des contrôles sont menés pour s'assurer du respect des normes et éviter tout malheureux accident.

36. La Rapporteuse Spéciale recommande que des efforts soient menés pour s'assurer que les licences annuelles de pêche sont distribuées de façon transparente en accord avec les règlements internationaux de la pêche. Il convient de préciser qu'au Maroc, les licences de pêche sont gelées depuis 1992 afin d'assurer un équilibre entre les possibilités de capture et l'effort de pêche. A ce titre, les navires actifs bénéficient d'un renouvellement annuel de leurs licences, sur demande et selon une procédure transparente. Des autorisations de remplacement des licences accordées sont également octroyées pour les navires vétustes ou perdus.

37. De nouvelles licences de pêche ne peuvent être accordées que dans le cadre d'une procédure de sélection publique (via appel d'offres ou appel à manifestation d'intérêt adossés à un cahier des charges) dans le cadre de projets intégrés combinant accès à la ressource et valorisation locale des captures (Cf. Appel à manifestation d'intérêt lancé en juillet 2014 pour la sélection de projets de valorisation des petits pélagiques à Dakhla et celui lancé en décembre 2015 pour Boujdour).

38. L'exercice du droit de pêche dans la zone économique exclusive est subordonné à l'obtention d'une licence de pêche qui est valable seulement pour l'année grégorienne au cours de laquelle elle a été délivrée et qui donne lieu à la perception d'une taxe. Les conditions de délivrance et de renouvellement de la licence de pêche ainsi que le montant de la taxe sont fixés par décret (Dahir portant loi n° 173255 du 27 chaoual 1393 (23 novembre 1973) formant règlement sur la pêche maritime (B.O. n° 3187) tel que modifié et complété).

39. Mieux encore, malgré la difficulté de l'action, le Maroc a entrepris la destruction de 4.246 barques au Sud de Boujdour pour éradiquer la pêche hors licence et réduire l'effort de pêche sur le poulpe afin de préserver cette ressource dans la valeur économique est des plus importantes.

B. Changements climatiques

40. Le phénomène d'érosion, a depuis de longue date, incité les pouvoirs publics à promouvoir des programmes de lutte contre l'érosion dans le double objectif de conservation des ressources naturelles en amont et de protection des infrastructures notamment hydro-agricoles à l'aval. Le Plan National d'Aménagement des Bassins Versants (PNABV) fut adopté en 1996 comme cadre stratégique fixant les priorités d'interventions en inscrivant les actions dans la durée et le contexte socio-économique garantissant leur efficacité.

41. A partir de l'analyse de la situation, le PNABV a conclu sur la nécessité de privilégier une démarche décentralisée de micro-planification à petite échelle et à long terme d'aménagements intégrés, fondée sur la concertation continue avec les populations concernées.

42. Compte tenu de l'ampleur des besoins, des ressources mobilisables et des possibilités d'absorption compatibles avec la nouvelle approche, le PNABV préconise un programme d'action minimal de traitement de 1.500.000 ha (75.000 ha/an) sur une période de 20 ans, au niveau des 22 bassins versants prioritaires.

43. Durant la dernière décennie, une augmentation progressive et significative des superficies traitées contre l'érosion hydrique (700.000 ha) a été enregistrée à travers la mise en œuvre de 86 projets intégrés dans 18 BV à haut risque d'érosion.

44. En matière de lutte contre l'érosion éolienne, le Maroc a procédé à la fixation de 39.000 ha de dunes dans les régions arides et désertiques continentales et littorales protégeant ainsi les agglomérations et les infrastructures de base. Le rythme des réalisations est passé de 440 ha/an avant 2005 à 650 ha/an en 2014.

45. Parallèlement et en vue de faire face aux différents facteurs de dégradations d'origine anthropiques et naturelles, le Maroc met en œuvre annuellement des programmes de restauration des écosystèmes forestiers. Ces programmes s'inscrivent dans une vision éco-systémique qui donne place à des forêts naturelles ou reconstituées par des espèces autochtones adaptées à l'évolution des bioclimats (cèdre, arganier, chêne-liège, thuya, ...) et visent l'inversement de la tendance de dégradation des forêts à travers l'augmentation de la cadence de la reforestation. L'évaluation du décennal 2004-2014 a fait ressortir que le rythme de reconstitution des forêts est passé de 18.000 ha/an avant 2004 à 36.400 ha/an en 2014, ce qui a contribué à une augmentation de la superficie forestière de (+2%) entre 2000 et 2010, alors qu'une réduction de (-1 %) a été enregistrée entre 1990 et 2000.

46. Le nouveau plan décennal 2015/2024 prévoit de son côté, le renforcement des programmes de réhabilitation des peuplements forestiers à travers des modèles concertés de gestion de l'espace: (i) réhabilitation de 600.000 ha (reboisement, régénération et amélioration sylvopastorale); (ii) incitation à la reforestation et promotion de l'arbre et (iii) création de 300 associations pastorales sur environ 200.000 ha.

47. Ce plan prévoit également l'amélioration de la gestion des parcours forestiers y compris les systèmes traditionnels sylvopastoraux, la réduction de la consommation du bois énergie en mettant en adéquation les possibilités de production et les prélèvements en bois-énergie et en vulgarisant les moyens de substitution du bois.

48. En matière de santé des forêts et de gestion des risques des incendies, le Maroc a mis en place des dispositifs de prévention et de gestion des risques suivants: (i) L'élaboration de cartes de risques d'incendies statiques et dynamiques et mise en place d'un procédures pour la coordination des opérations de lutte. Ces actions ont permis la réduction de la superficie touchée par incendie de 13ha/incendie entre 1960 et 2003 à 8ha entre 2004 et 2012 et à Sha en 2013 ; (ii) La mise en place de réseaux de veille sanitaire des peuplements et le renforcement des moyens de traitement.

49. Le nouveau plan décennal prévoit aussi la consolidation de la valorisation des produits ligneux et non ligneux à travers l'organisation de la population locale, la certification et la labellisation et le développement du commerce équitable.

V. Groupes vivant dans des situations de vulnérabilité particulière

B. Enfants

Paragraphe 43:

50. La dernière enquête nationale sur la population et la santé familiale de 2011 a montré que:

- a). Le retard de croissance touche 14.9% des enfants de moins de 5 ans et 4.5% sont atteints de retard de croissance sévère et selon le niveau du bien-être du ménage, la prévalence du retard de croissance passe de 28.3% chez les plus pauvres à 6.7% chez les plus aisés;
- b). La même tendance est observée pour le retard de croissance sévère soit 8.7% à 1.8%;
- c). La prévalence de l'insuffisance pondérale est de 3.1 % seulement dont 0.8% sont atteints d'insuffisance pondérale sévère. Les enfants issus du niveau socio-économique le plus bas sont les plus touchés par l'insuffisance pondérale 6.7% contre 1.1 % chez ceux issus du niveau socio-économique le plus aisé.

Paragraphe 44:

51. L'Enquête Nationale sur la Population et la Santé Familiale (ENPSF-2011), citée par la Rapporteuse Spéciale comme référence, a révélé que 96.6% des enfants sont allaités au sein, et que le taux de pratique de l'allaitement maternel exclusif passés de 15% à 27.8% entre 2006 et 2011 ainsi que la durée médiane de cette pratique qui est passée de 14 en 2004 à 16.3 mois.

52. En outre, le Ministère de la Santé au Maroc a consacré plusieurs actions à l'amélioration de l'état nutritionnel des femmes et des enfants à travers la mise en œuvre de la Stratégie Nationale de Nutrition (2011-2019) pour tout le cycle de vie ayant pour but de contribuer à l'amélioration de l'état de santé de la population en agissant sur l'un de ses déterminants majeurs qui est la nutrition.

VII.Dakhla

Paragraphe 57:

53. La Rapporteuse Spéciale souligne que les investissements considérables alloués au développement du secteur de la pêche à Dakhla ne profitent pas à tout le monde. Elle note dans ce paragraphe, des conclusions qui nous paraissent tout à fait discutables, dans la mesure où elles reposent manifestement sur des informations portées à sa connaissance par des parties consultées, mais dont la véracité reste à établir, surtout lorsque est évoqué sans aucun argument probant « elle a appris que » sans citer ou identifier des sources fiables confirmant ses propos ou avancer des chiffres pour étayer ces affirmations.

54. Par ailleurs, ce paragraphe sous-entend l'existence d'une ségrégation délibérée entre la population de Dakhla et le reste du territoire marocain, ce qui est inacceptable. Les autorités marocaines expriment leurs plus vives réserves quant à l'appréciation de la Rapporteuse Spéciale, effectuée de manière extrêmement aléatoire

55. Que veut dire "tout le monde"? Depuis quand et dans quel pays ou région "tout le monde" bénéficie de tout projet et/ou investissement. Il y a des investissements à réaliser, des charges à supporter, une activité à maîtriser, des qualifications professionnelles à avoir comme partout ailleurs ... Dakhla est parmi les villes qui connaissent une croissance démographique des plus importantes du Maroc. Or, où vont les populations? Vers là où il y a du travail et une redistribution des richesses.

56. Le secteur de la pêche maritime joue un rôle important à Dakhla et constitue une importante locomotive de développement de la ville. La pêche et la valorisation des produits de la mer y emploient près de 18.000 personnes. Véritable poumon des provinces

du Sud, la ville connaît une croissance démographique des plus importantes du Maroc grâce aux créations d'emplois qui attirent de plus en plus de main d'œuvre.

57. La circonscription maritime de Dakhla abrite l'activité des trois segments de pêche (artisanale, côtière et hauturière). L'activité de pêche artisanale est dominée par son caractère saisonnier contrairement aux autres régions du Maroc. En effet, sur environ 3.500 barques actives, seule une centaine est sédentaire. De même, l'activité artisanale est très spécialisée et cible principalement les céphalopodes (poulpe, seiche, calmar ...). C'est ainsi qu'à l'issue des campagnes de pêche d'automne-hiver et d'été, la quasi majorité des barques observent un arrêt d'activité et les marins qui y travaillent se consacrent à d'autres activités pendant le reste de l'année, notamment l'agriculture et l'élevage. De ce fait, les emplois dans ce segment revêtent bien un caractère saisonnier.

58. La Rapporteuse Spéciale a appris que les petits pêcheurs sont parmi les plus pauvres du Saha.a. Bien que réalisée par des barques, la pêche artisanale à Dakhla est une pêche « industrielle » comme en témoigne le quota de pêche au poulpe qui lui est réservé et qui est le double de celui accordé à la pêche côtière. L'amélioration des prises, rendue possible également grâce au plan d'aménagement du poulpe, a permis d'améliorer significativement les revenus des pêcheurs artisans opérant dans cette activité comparativement aux marins des autres flottes actives.

Paragraphe 58:

59. Il convient de souligner que le changement climatique n'est pas le facteur qui obligeait les pêcheurs à « s'aventurer au-delà de la limite de la rive » mais bien la quête de la rentabilité de l'activité de la pêche du poulpe. A notre connaissance, aucun rapport scientifique n'a été en mesure d'expliquer la dynamique de la pêche artisanale au Maroc par les changements climatiques, dont les effets, bien qu'ils soient avérés sur l'écosystème marin, ne sont pas encore mesurables pour ce qui concerne la disponibilité des ressources.

60. Par ailleurs, il convient de noter que la flotte artisanale à Dakhla est la première à réaliser son quota de pêche du poulpe. En effet, grâce à la mise en place des zones de cantonnement (Cf. remarques sur le paragraphe 24) et compte tenu du fait que la zone côtière est la plus abondante de cette espèce, un mois d'activité suffit aux barques pour consommer leurs quotas, tandis qu'il faut en moyenne 3 mois d'activité aux autres flottes. Ainsi, la proximité de la ressource contribue-t-elle largement à la performance économique des barques qui n'éprouvent pas le besoin de s'aventurer au-delà de la limite de la rive pour réaliser leurs captures. L'activité artisanale devient, de ce fait, de plus en plus attrayante pour ces raisons en plus de l'avantage non négligeable de nécessiter des investissements nettement plus faibles pour les autres segments et donc moins risqués économiquement.

Paragraphe 59:

61. Les Autorités marocaines rejettent le passage ci-après « The Special Rapporteur notes that any future agreement should be for the benefit of the local population as mentioned in the United Nations Legat Opinion of 2002. ». Il faut souligner, que l'accord actuel porte sur l'ensemble du territoire marocain et pas seulement les provinces du Sud qu'il bénéficie à l'ensemble de la population et qui conforme à l'avis juridique de l'ONU de 2002 et au droit international. Et rappeler la déclaration de la Haute Représentante de l'UE, Frederica Mogherini, qui a affirmé que tous les accords bilatéraux entre les deux parties demeurent valables et pérennes, écartant toute possibilité d'annulation de l'accord agricole entre le Maroc et l'UE.

62. Le protocole de pêche conclu en novembre 2013 avec l'Union Européenne (UE) a été approuvé à l'unanimité par les députés marocains en février 2014 suivant le vote positif à la majorité au parlement européen en décembre 2013. Ce nouvel accord a fait l'objet d'une consultation continue lors de son processus de négociation avec les représentants élus des

Chambres Professionnelles de Pêche. Ces mêmes représentants de pêcheurs locaux se sont rendus à Bruxelles pour soutenir cet accord devant les eurodéputés lors de son processus de ratification par le parlement européen. Cette action a été fortement appréciée par les eurodéputés qui ont ratifié le protocole. Il convient de noter que ce dernier porte sur l'ensemble du territoire marocain et pas seulement aux provinces du Sud.

63. Ce protocole prévoit d'allouer annuellement une enveloppe de 14 M€ (soit 35% de la contrepartie financière annuelle versée au Maroc) pour l'appui à la politique de la pêche au Maroc. L'affectation et la gestion par le Maroc de cette contribution est fondée sur l'identification par les deux parties, d'un commun accord au sein de la commission mixte, des objectifs à réaliser et de la programmation annuelle et pluriannuelle y afférente (article 6.2). De même, le paiement de cette enveloppe au Maroc se fait par tranches, sur base d'une approche fondée sur l'analyse des résultats de la mise en œuvre de l'appui sectoriel et des besoins identifiés à la programmation (article 6.9). De même, le Protocole actuel énonce dans son article 1 qu'il « contribue à la réalisation des objectifs généraux de l'accord d'association et vise à assurer la viabilité de la ressource halieutique sur les plans écologique, économique et social ». Seul le surplus du stock halieutique, non exploité par la flotte nationale, peut faire l'objet d'accords de pêche avec des partenaires internationaux.

64. Plus globalement, depuis 1975, pour chaque dirham de recettes générés par les régions du Sahara, le Maroc y a investi 7 dirhams dans le cadre de la solidarité entre ses régions (extrait du Discours de Sa Majesté à l'occasion du 39^{ème} anniversaire de la marche verte - 2014).

Paragraphe 60 et recommandation 95:

65. Il importe à cet égard, de mettre en évidence le plan de la promotion de l'emploi récemment lancé par le Gouvernement en faveur des provinces du sud et dont les éléments vous ont été déjà communiqués, mais que l'on décline comme suit:

66. La Confédération Générale des Entreprises du Maroc (CGEM), a lancé depuis 2015, plusieurs projets de développement du capital humain dans ces provinces pour un investissement global de 4,2 milliards de Dirhams (MMDH). Il s'agit, en effet, d'une soixantaine de projets devant générer plus de 10.000 emplois directs (dans les secteurs: agro-industrie, transport, commerce et distribution, industrie, BTP, pêche, santé, services ou encore l'immobilier). Aussi, et dans le cadre de la mise en œuvre de la régionalisation avancée, SM le Roi Mohammed VI a lancé en novembre 2015 des projets grandioses au Sahara dans le cadre d'un programme de développement des provinces et régions du Sud d'un montant de 77 milliards de dirhams.

67. La récente visite de Sa Majesté le Roi dans les provinces du Sud, en Février 2016, a permis le lancement de nouveaux projets nécessitant des investissements colossaux estimés à 11,93 milliards de dirhams (MMDH), dont 5,5 MMDH à la charge de l'Etat. Ces projets qui verront le jour durant la période 2016-2021, portent sur les domaines de l'agriculture solidaire, le tourisme écologique, la promotion de l'emploi et la création d'entreprises, la qualification des ressources humaines, les infrastructures de base, l'artisanat et l'économie sociale ainsi que la valorisation de l'héritage culturel et la préservation des écosystèmes.

68. L'inauguration au port de Dakhla, de la nouvelle halle au poisson et la barge de désalinisation d'eau de mer "Oued Massa". La nouvelle halle, s'inscrit dans le cadre de la mise en œuvre de la stratégie nationale « Halieutis » portant sur la réorganisation du secteur de la pêche côtière et artisanale au Maroc. La nouvelle structure a nécessité un investissement de 26 millions de dirhams (MDH) et fut édifée sur un terrain de 3.070 m².

69. De même, le Maroc s'engage aujourd'hui à mettre en place les moyens nécessaires pour la réalisation de grands chantiers et de projets sociaux et médico-éducatifs, (dans les régions de Laâyoune Sakia El-Hamra, Dakhla Oued Eddahab et Guelmim-Oued Noun),

d'une voie expresse entre Tiznit, Laâyoune et Dakhla, la construction du grand port Atlantique de Dakhla, la réalisation d'importants projets d'énergie solaire et éolienne dans le Sud et la connexion de la ville de Dakhla au réseau électrique national.

70. Ces projets accordent un intérêt particulier aux femmes et aux jeunes, dans la mesure où ils leur permettront d'exercer diverses activités génératrices de revenus afin de leur garantir un cadre de vie digne.

Paragraphe 60:

71. Contrairement aux allégations contenues dans le rapport afférentes aux «difficultés rencontrées par « les Sahraouis» à accéder à l'éducation, en particulier au niveau universitaire ... », il y a lieu de préciser que le Gouvernement marocain a toujours accordé une importance de 1er plan aux populations des provinces du sud, à l'instar de celles issues des autres régions du Royaume, et a favorisé leur accès aux services de base et services sociaux sur un même pied d'égalité, dont notamment l'éducation et la formation comme en témoignent les multiples réalisations communiquées dans les observations initiales des Autorités marocaines que l'on décline, encore une fois, comme suit:

72. L'effectif des bacheliers des provinces du Sud représente 4, 71 % du total des bacheliers au niveau national. Le nombre de bacheliers des provinces du Sud a connu une évolution très importante entre les années 1983 et 2014. En 2014, l'effectif des bacheliers a atteint 9714 contre 154 bacheliers uniquement en 1983.

73. L'augmentation annuelle de l'effectif des bacheliers dans les provinces du Sud durant cette période est de 14,30%, alors que ce taux ne dépasse pas 4,81 % pour les autres régions du Royaume. Ce fort taux d'accroissement annuel est dû essentiellement aux efforts de scolarisation entrepris dans les provinces du sud.

74. L'effectif des étudiants originaires des provinces du Sud inscrits dans l'enseignement supérieur universitaire a connu une progression de 260 % entre 2003 et 2015, en passant de 6537 en 2003 à 23475 en 2015.

75. D'une manière générale, l'inscription des étudiants dans les établissements d'enseignement supérieur au Maroc est régie par le système de la carte universitaire qui prévoit:

- a). L'inscription des étudiants dans les établissements universitaires les plus proches des domiciles de leurs parents;
- b). L'optimisation de l'utilisation des capacités d'accueil des établissements universitaires;
- c). L'inscription des étudiants issus des provinces du sud dans les deux universités d'Agadir et de Marrakech procède en premier lieu du respect du principe de la carte universitaire. Il est à préciser que les deux universités Cadi Ayad de Marrakech et Ibn Zohr Agadir jouissent d'un rayonnement à l'international et dispensent à travers les établissements qui leur sont rattachés des formations dans tous les champs disciplinaires (sciences et techniques, lettres, sciences humaines, art et sciences juridiques, économiques sociales et gestion). En outre, un nombre important d'étudiants issus des provinces du sud poursuivent leurs études dans toutes les universités du Royaume.

76. Par ailleurs, dans le cadre de la mise en œuvre de la politique de rapprochement de l'offre de l'enseignement supérieur à toutes les régions du Royaume, et pour répondre à la demande croissante de l'enseignement supérieur des provinces du sud et réduire ainsi les problèmes sociaux liés au transport, à l'hébergement et à la restauration des étudiants de ces régions, plusieurs établissements ont été récemment créés. Il s'agit de:

- a). **L'Ecole Supérieure de Technologie « EST » de Guelmim** : Bâtie sur une zone de 6883 m² (4,95 hectares). L'«EST» de Guelmim a une capacité d'accueil de 1834 places. Elle a ouvert ses portes en septembre 2011 et a accueilli son premier groupe d'étudiants en 2011- 2012. Elle offre quatre types de formations (niveau bac+ 2).
- b). L'année universitaire 2014-2015 a été marquée par l'ouverture de trois licences professionnelles.
- c). **L'Ecole Supérieure de Technologie de Laâyoune** : Cet établissement a ouvert ses portes aux étudiants au titre de l'année universitaire 2014-2015.
- d). **La Faculté des Sciences Théologiques de Es-Smara**: Cette faculté a été ouverte en 2013- 2014 et a accueilli un effectif de 240 étudiants.
- e). **L'Annexe universitaire à Guelmim**: L'Annexe universitaire à Guelmim dispose d'une capacité de 6000 places. La première promotion, 1578 étudiants, a été inscrite en 2012-2013.
- f). **Le Centre d'Etudes Economiques à Guelmim** : Ce centre, qui relève de l'université Ibn Zohr d'Agadir, compte, aujourd'hui, plus de 400 étudiants.
- g). **L'Ecole Nationale de Commerce et de Gestion de Dakhla** (en cours de réalisation)

Ce projet est situé au centre de la ville, avec une superficie de 10 hectares. La création de cet établissement est le fruit d'une contribution de tous les partenaires de la région. Il est prévu que l'école ouvre ses portes en septembre 2016 pour accueillir les nouveaux inscrits. L'Ecole Nationale de Commerce et de Gestion de Dakhla envisage de recevoir non seulement les étudiants de la région, mais également les étudiants émanant des pays africains afin de leur permettre d'acquérir des compétences en matière de commerce et de gestion.

- h). **Le Centre Hospitalier Universitaire de Laâyoune** (en cours de réalisation)

77. De surcroît, dans le cadre de la vie étudiante, les étudiants issus des provinces du sud bénéficient de plusieurs avantages en matière des services sociaux, notamment les bourses d'études, l'hébergement, la restauration, la couverture médicale, les activités culturelles et sportives.

78. En matière de bourses d'études, les étudiants des provinces du sud jouissent des avantages suivants:

- a). L'exemption du système de quota, en leur accordant un taux de couverture de 100%;
- b). L'octroi de bourses à tous les étudiants qui désirent poursuivre leurs études dans les cycles master et doctorat.

79. D'autre part Tous les étudiants des provinces du sud bénéficient, s'ils le souhaitent des services d'hébergement et de restauration prévus dans les universités.

Recommandation 77:

80. Les autorités marocaines considèrent cette recommandation sans utilité, dans la mesure où le Maroc a procédé au renforcement du réseau des aires protégées et la mise en place du cadre réglementaire et législatif national pour la gestion et la valorisation de la Biodiversité par;

81. La promulgation de la loi sur les aires protégées et la loi relative à l'application des dispositions de la CITES;
82. L'actualisation des lois sur la chasse et sur la pêche dans les eaux continentales;
83. La réhabilitation des habitats et la réintroduction de certaines espèces disparues dans leur milieu naturel.
84. L'implication effective des acteurs locaux, a permis de consolider et de renforcer le réseau national d'aires protégées en passant de 3 à 10 parcs nationaux durant la dernière décennie et la création de 3 réserves de biosphère dont une intercontinentale (RB intercontinentale de la méditerranée) et l'identification de 154 sites d'intérêt biologique et écologique « SIBE » couvrant une superficie globale de 2.5 millions d'hectares, qui sont en cours de classement selon les catégories définies par les dispositions de la loi sur les aires protégées. A noter que 24 zones humides sont inscrites sur la liste de la convention RAMSAR.

Recommandation 87:

85. S'agissant de la recommandation portant sur l'amélioration de l'identification des bénéficiaires admissibles aux régimes de protection sociale, notamment en faveur des catégories sociales démunies, il faut préciser que le Maroc a mis en place un socle de protection sociale à base d'un système non contributif, ciblant particulièrement ces catégories vulnérables, y compris celles relevant des zones rurales, dont la situation fait preuve de leur incapacité à payer les contributions dues au régime de sécurité sociale en vigueur.
86. Cette mesure est adoptée conformément à la Convention internationale du travail de l'OIT n°102 concernant la sécurité sociale (norme minimum, 1952), visant la fixation d'un niveau minimum socialement acceptable de protection de la population par la sécurité sociale, qui permet d'atteindre progressivement l'objectif d'une large couverture en harmonie avec le niveau de développement économique du pays.
87. A cet effet, des réformes spécifiques ont été réalisées concernant, notamment, la promulgation de la loi sur la couverture médicale obligatoire au profit de toutes les catégories des employés actifs et des retraités des secteurs public, semi-public et privé.
88. le régime d'assistance médicale a atteint une couverture de 9 millions entre pauvres et vulnérables.
89. Des réflexions sont en cours pour sécuriser le financement de ce régime via la création d'un organisme gestionnaire indépendant. Par ailleurs, le gouvernement a entamé le chantier de la mise en place du régime de couverture des indépendants (AMI) qui va permettre d'atteindre le reste de la population non couvertes par les régimes existants. De même pour le régime pour les étudiants vient d'être lancé par le gouvernement.

Recommandation 91:

90. Concernant cette recommandation relative au déploiement des efforts pour réduire considérablement le taux de chômage, en ciblant les femmes et les jeunes, il y a lieu de rappeler que le gouvernement a mis en place un fonds pour le financement des programmes spécifiques en faveur des personnes en difficulté d'insertion dans la vie active, notamment les femmes et des jeunes et, des mesures incitatives fiscales et sociales au profit des entreprises.
91. En outre, une stratégie nationale pour l'emploi a été élaborée, dans l'objectif de faire du capital humain un facteur de production stimulant une croissance économique génératrice d'emplois qualifiés et décents et ce, via la valorisation de la force de travail

féminine, l'assurance d'une offre d'éducation et de formation de qualité tout le long de la vie et l'élargissement du champ de la protection sociale.

92. Sur le plan opérationnel, la stratégie vise notamment (i) le renforcement de la lutte contre la déscolarisation des filles, (ii) une intervention spécifique des services publics d'intermédiation pour favoriser l'entrée des femmes en activité, (iii) la promotion d'emplois de proximité et de services à forte intensité féminine, (iv) des actions d'appui à l'égalité de genre en milieu professionnel, et enfin (v) des mesures visant à améliorer la conciliation entre travail et famille ainsi que la sécurité au travail.

IV. Conclusion

93. Tout en réitérant son engagement irréversible de continuer à interagir avec les mécanismes onusiens des droits de l'homme, notamment les Procédures Spéciales, le Royaume du Maroc regrette la non prise en considération à leur juste valeur les efforts qu'il a déployés et les avancées enregistrées pour la réalisation du droit à l'alimentation.
